

# Children's Bursary

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# Policy

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## 1. Purpose

- 1.1 The purpose of this document is to provide guidance on administering entitlement to Children's Bursary under the Veterans' Support Act 2014 (the Act).

## 2. Legislative Reference

- 2.1 The relevant legislation is sections 7, 38, 39, 81 to 82, 206, 208, and 209, clauses 6 and 11 of Schedule 1 of the Act, regulation 26 of the Veterans' Support Regulations 2014, section 42 of the Police Act 1958 and section 110 of the Policing Act 2008.

## 3. Eligibility for Children's Bursary

- 3.1 The Children's Bursary is a Scheme One entitlement. It applies to children of veterans with qualifying service performed

- before 1 April 1974; or
- before 31 March 1975, in connection with the civilian surgical team based at Qui Nhon Provincial State Hospital, Binh Dinh province, Viet Nam; or
- before 21 April 1975, in connection with 41 Squadron RNZAF in Viet Nam.

*Section 38 of the Veterans' Support Act 2014*

- 3.2 The Children's Bursary could also be granted to the children of Scheme Two veterans who were eligible on or after 7 December 2014 and prior to 7 December 2015 but not prior to or after this period. To receive a Children's Bursary a claim would need to have been made within the period beginning 7 December 2014 and ending 6 December 2015.

*Section 39 of the Veterans' Support Act 2014*

- 3.3 A **child** is entitled to a children's bursary if he or she:

- is studying full-time at **secondary school**; or
- is studying at least part-time at a **tertiary institution** within New Zealand; and
- is entitled to a Children's Pension (**Go to separate paper on Children's Pension**); or
- is the child of a **veteran** who is receiving Weekly Income Compensation or the Veteran's Pension.

*Sections 81(1) & (2) and (5) of the Veteran's Support Act 2014*

- is the child of a police officer with service in the New Zealand Police between 1958 and 1972 receiving a War Disablement Pension or Disablement Pension.

*Section 42 of the Police Act 1958, section 110 of the Policing Act 2008 and section 7 and Schedule 1 clause 6 of the Veterans' Support Act 2014*

- 3.4 For the purposes of this policy, "full-time study" at a tertiary institution means a course of study recognised and confirmed as full-time by the place of education that administers it. "Part-time" study is where the education institution the child is attending confirms that the course the child is undertaking is "part-time".
- 3.5 The applicant must inform Veterans' Affairs of the details of their course of study and confirm whether the course is full-time or part-time.
- 3.6 Veterans' Affairs may if necessary confirm with tertiary education providers that the course meets the equivalent full-time study (EFTS) rating. (Full-time study for a year must be at least 0.8 EFTS. For courses less than a year, the full-time EFTS rating will depend on the length of course).

## **4. Suspension of Children's Bursary**

- 4.1 Where an eligible child's entitlement to a Children's Bursary is contingent on the veteran parent receiving Weekly Income Compensation or the Veteran's Pension. If the veteran parent becomes disentitled to receive Weekly Income Compensation or the Veteran's Pension, the child will also become disentitled to receive a Children's Bursary for the corresponding period.
- 4.2 Similarly, if a child ceases to be eligible for a Children's Pension, the child will lose eligibility for a Children's Bursary if the veteran is not in receipt of Weekly Income Compensation or a Veteran's Pension.

*For example, the veteran parent who was receiving Weekly Income Compensation commits a crime and is imprisoned. Under Section 29 of the Veterans' Support Act, Veterans' Affairs will suspend payment of Weekly Income Compensation because the veteran cannot receive entitlements while they are imprisoned. Once they are released from prison, Weekly Income Payments will resume.*

*The payment of the Children's Bursary will be suspended for the period that the veteran is imprisoned, and (provided eligibility criteria are met) will resume once the veteran is released from prison and their Weekly Income Compensation payment has resumed.*

*Sections 28 and 29 and 81(2) of the Veterans' Support Act 2014*

## **5. Cessation of Children's Bursary**

- 5.1 The entitlement to a Children's Bursary ceases at the end of the year in which the child completes his/her studies or when a child reaches 23 years of age, whichever occurs sooner.

*Section 81(3) of the Veterans' Support Act 2014*

5.2 If the recipient withdraws from study the entitlement will cease.

## 6. Re-instatement of a Children's Bursary

6.1 A recipient of a Children's Bursary who withdraws from full time study can have his/her entitlement re-instated at a future date, provided he/she is a child of a veteran with qualifying service as described in paragraph 3.1 and meets the eligibility criteria for the entitlement.

6.2 A child of a veteran with qualifying operational service on or after 1 April 1974 who obtained the Children's Bursary under Scheme One as per paragraph 3.2 of this policy is not be able to have his/her entitlement re-instated after it stops.

## 7. Overpayments

7.1 Veteran Affairs can recover debt from Children's Bursary recipients if:

- An amount paid to a person exceeds the amount they are entitled
- An amount was paid to a person with no entitlement to it.

7.2 Veterans' Affairs can recover the debt:

- By way of proceedings
- By deducting the debt incrementally from future Children's Bursary payments to that person.

*Section 206 of the Veterans' Support Act 2014*

## 8. Living Overseas

8.1 Only grand-parented War Bursary recipients may receive the Children's Bursary for overseas secondary school education (but not tertiary education). Under the Veteran's Support Act 2014 the Children's Bursary will apply only to children residing and studying in New Zealand educational institutions.

*Section 81(5) of the Veterans' Support Act 2014*

## 9. Rates of Children's Bursary

9.1 The rates of Children's Bursary payable are subject to annual CPI (all groups excluding cigarettes and other tobacco products until 2017) adjustment. **Go to separate Factsheet on Rates and Allowances for the rates.**

9.2 A Children's Bursary is paid annually in the year in which a child is entitled to the bursary.

*Regulation 26 of the Veterans' Support Regulations 2014*

- 9.3 If the child starts part-time study but changes to full-time study within the same year, Veterans' Affairs may pay the difference between the part-time and full-time study rates.

## 10. Applications for Children's Bursary

- 10.1 Applications for the Children's Bursary should be made on the appropriate application form.
- 10.2 A child receiving the Children's Bursary must provide annual confirmation on the form provided by Veterans' Affairs that they are still completing approved study. This is necessary to ensure that a child's entitlement is regularly assessed and bursary payments are only made to eligible children.

## 11. Recipients of Children's Bursary payments

- 11.1 The child of the veteran is the recipient of the Children's Bursary entitlement.
- 11.2 The veteran who the child's entitlement is based on does not need to be aware the bursary is being paid. The release of any personal information about the child should occur only in accordance with the **Privacy Act 1993**.

### *Recipients under 16*

- 11.3 If a recipient of the Children's Bursary is under 16 Veterans' Affairs will make the payment to a person who is caring for the claimant.
- 11.4 If Veteran's Affairs considers that it would not be appropriate to make the payment to the claimant's carer they can pay another person or trustees they consider will apply the payment for the education of the recipient.

*Section 209 of the Veterans' Support Act 2014*

### *Application of money paid to a nominated person for recipients under 16*

- 11.5 After a nominated person has been accepted, Veterans' Affairs is not obliged to confirm how the bursary payments are being applied.

*Section 209 of the Veterans' Support Act 2014*

### *Recipient over 16*

- 11.6 When a recipient of the Children's Bursary reaches 16 the Children's Bursary payment is made directly to them.

*Sections 208 and 209 of the Veterans' Support Act 2014*

### *Recipients over 16 and mentally or physically infirm*

- 11.7 Once a recipient who is mentally or physically infirm turns 16 Veterans' Affairs can pay the Children's Bursary to a guardian or third party if they supply evidence of their legal entitlement to act on behalf of the recipient.
- 11.8 See paragraphs 5.24 to 5.29 of the policy on *Children's Pension* for details of the evidence required from each category of recipient of Children's Bursary payments.

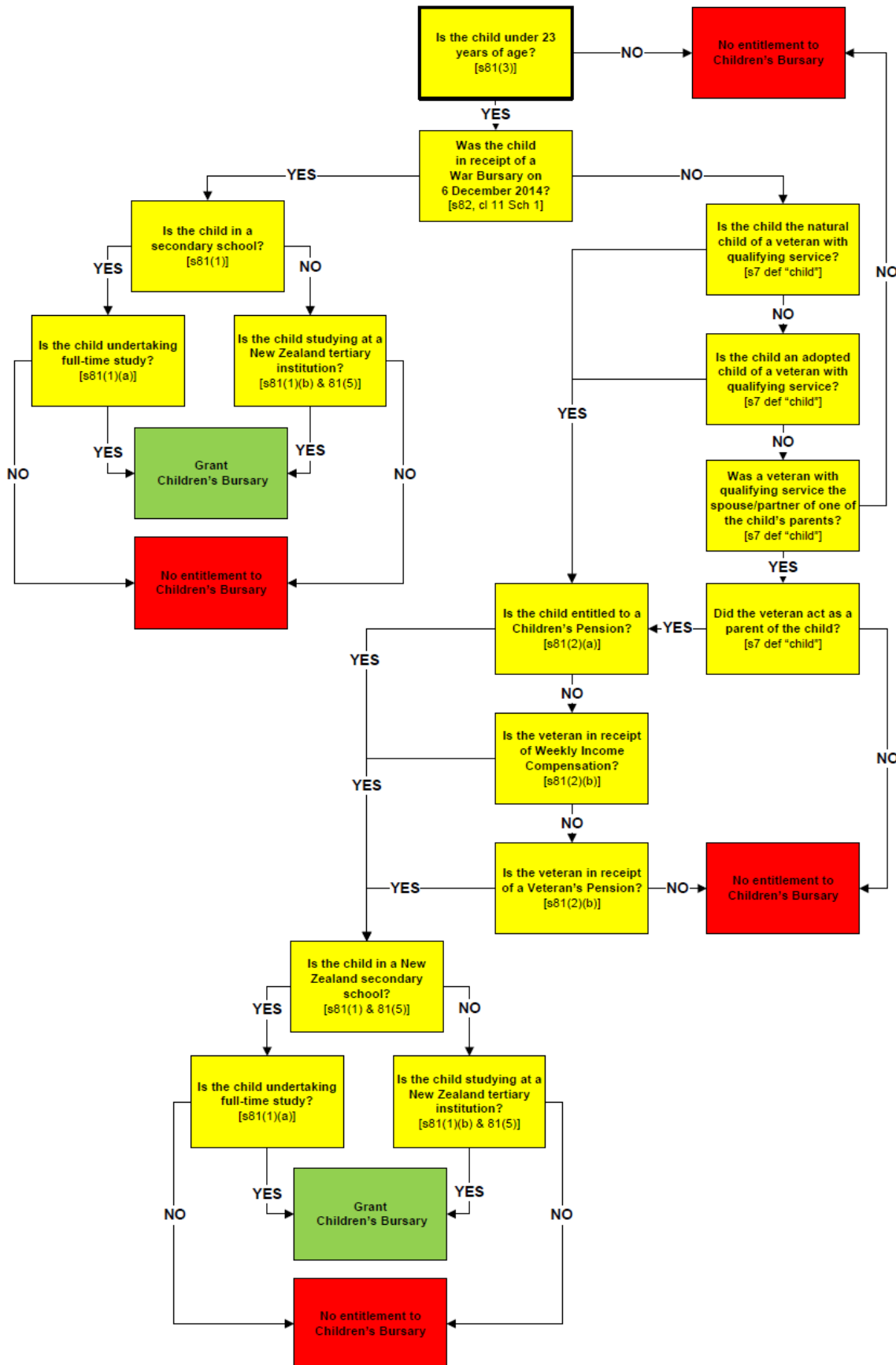
## 12. Reviews, Appeals and Complaints

- 12.1 If a claimant disagrees about a decision concerning eligibility for an entitlement or service **go to separate policies on Reviews and Appeals**. If a claimant is concerned about Veterans' Affairs' administration of an entitlement or service **go to separate policy on Complaints**.

## 13. Transitional Arrangements

- 13.1 Every child who was entitled to a War Bursary under the War Pensions Act 1954 immediately before the commencement of the Veterans' Support Act 2014 retains that entitlement.

# Appendix I: Scheme One\* Pathway to Children's Bursary



\*The Children's Bursary could also have been granted to the children of Scheme Two veterans who were eligible on or after 7 December 2014 and prior to 7 December 2015 if a claim was made in that period.



## Glossary

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### child [section 7]

In relation to a veteran:

- (a) means a natural child of the veteran; and
- (b) includes an adopted child of the veteran; and
- (c) includes any other child who would ordinarily be regarded as a child of the veteran because the veteran:
  - (i) is or was the spouse or partner of one of the child's parents; and
  - (ii) acted as a parent of the child.

### secondary school [section 81(5)]

Has the same meaning as in the Education Act 1989. Secondary school is defined in section 145 to mean:

*A school established under section 146 as a secondary school.*

### \*tertiary institution [section 81(5)]

Has the same meaning as in the Education Act 1989. Tertiary institutions are bodies corporate established under Part 14 of the Education Act 1989, that:

- (a) are an institution as defined in s159(1) of the Education Act 1989 and characterised in s162(4)(b)(i) or (ii) or (iii) or (iv) of the Education Act 1989; and
- (b) for universities, have all of the characteristics set out in s162(4)(a) of the Education Act 1989; or
- (c) for all other institutions, have one or more of the characteristics set out in s162(4)(a) of the Education Act 1989.

Section 159(1) of the Education Act 1989 defines the term institution as:

***institution means:***

- (a) *a college of education; or*
- (b) *a polytechnic; or*
- (ba) *specialist college; or*
- (c) *a university; or*
- (d) *a wananga*

\*A list of Tertiary Education Institutions and their subsidiaries compiled by the Office of the Auditor-General can be found at <http://www.oag.govt.nz/2012/education-2011-audits/appendix1.htm>. This list is current as at 1 December 2012 and should be used as a starting point only.

### veteran [section 7]

Means:

- (a) a member of the armed forces who took part in qualifying operational service at the direction of the New Zealand Government; or
- (b) a person:
  - (i) who has been:
    - (A) appointed as an employee of the Defence Force under section 61A of the Defence Act 1990; or
    - (B) seconded to the Defence Force with the permission of the Chief of Defence Force; and

- (ii) who took part in qualifying operational service at the direction of the New Zealand Government; or
- (c) a person who, immediately before the commencement of Part 3 of this Act, is eligible for a pension under the following provisions of the War Pensions Act 1954:
  - (i) section 19 (but only if the person was a member of the forces):
  - (ii) section 55 or 56:
  - (iii) Parts 4 and 5