



War Pensions Amendment Regulations (No 2) 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 12th day of April 2010

Present:

His Excellency the Governor-General in Council

Pursuant to section 96 of the War Pensions Act 1954, 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 War Pensions Amendment Regulations (No 2) 2010.

2 Commencement

These regulations come into force on 13 May 2010.

3 Principal regulations amended

These regulations amend the War Pensions Regulations 1956.

4 New regulations 43 to 43E substituted

Regulations 43 to 43B are revoked and the following regulations substituted:

“43 Travel concessions

“(1) A person who is eligible for, or is granted, a travel concession under regulation 43A may, in respect of a journey described in regulation 43B, claim a refund under regulation 43C for the amount referred to in regulation 43D.

“(2) The Secretary must pay the refund, except as provided in regulation 43E.

“43A Eligibility for 3 types of travel concession

“(1) A person is eligible for a full travel concession if he or she—
“(a) receives a permanent pension in respect of total disablement; or
“(b) receives, and has received continuously for the immediate past 3 years, a temporary pension in respect of total disablement.

“(2) A person who is eligible for a full travel concession may, in addition, be granted an escorted travel concession in respect of travel by public transport services if the Secretary is satisfied that the person—

“(a) is totally blind; or

“(b) has suffered the loss of both legs above the knee; or

“(c) receives all or part of the disablement pension in respect of the amputation of all or part of a limb; or

“(d) is otherwise unfit to travel alone.

- “(3) A person may be granted a partial travel concession if the Secretary is satisfied that the person receives, in respect of a disablement that restricts mobility, a permanent pension at a rate exceeding 50% of the pension payable for total disablements.
- “(4) A person who wishes to apply to the Secretary for an escorted travel concession or a partial travel concession must do so in writing.

“43B Journeys for which refunds available

The journeys for which refunds are available to people entitled to, or granted, a travel concession are journeys within New Zealand that—

- “(a) are for personal or private purposes, and not for purposes associated with employment or self-employment; and
- “(b) are one-way trips of 80 km or more, or return trips of 160 km or more; and
- “(c) are taken by—
- “(i) a public transport service (as defined in section 4 of the Public Transport Management Act 2008); or
 - “(ii) a scheduled air service; or
 - “(iii) private vehicle (such as a car, motorbike, or van).

“43C How to claim refund

- “(1) Every claim for a refund by a person entitled to, or granted, a travel concession must—
- “(a) be made after the journey is completed but before the end of the calendar month following the month in which the journey was completed; and
 - “(b) be in writing; and if the Secretary provides a form for the purpose, must be on that form; and
 - “(c) include the evidence (if any) that the Secretary requires to prove that the journey was undertaken.
- “(2) Despite subclause (1)(a), the Secretary may accept a late claim if satisfied that there is good reason for the lateness.

“43D Amounts payable under travel concessions

- “(1) The amounts payable to a person entitled to a full travel concession are as follows:
- “(a) in respect of travel by a public transport service, a refund of the cost of the ticket;
 - “(b) in respect of travel by a scheduled air service, the lesser of—
 - “(i) the cost of the ticket; or
 - “(ii) 22.5 cents per km;
 - “(c) in respect of travel by private vehicle, 22.5 cents per km.
- “(2) A person granted an escorted travel concession is entitled, in respect of a journey by a public transport service, to a refund of the cost of—
- “(a) his or her own ticket; and
 - “(b) the ticket of the person (if any) who escorted him or her on the journey.
- “(3) A person granted a partial travel concession is entitled to half the amount that would be available under a full travel concession.
- “(4) For the purposes of subclause (1)(b)(ii) and (c), distances are as determined by the Secretary on the following basis:
- “(a) in the case of travel by a scheduled air service, the distance between the airports concerned;
 - “(b) in the case of travel by private vehicle, the shortest road distance between the nearest start and finish localities identified by the Secretary (and not door-to-door).

“43E When refunds not payable

- “(1) A person who is entitled to, or granted, a travel concession is not entitled to a refund for a journey if—
- “(a) the journey was, or could have been, undertaken at no cost by using a SuperGold card; or
 - “(b) the person was or is entitled to be reimbursed for the cost of the journey under any other enactment (including under regulation 40, 41, or 42); or
 - “(c) the journey was made by private vehicle and another person claims a refund under regulation 43C in respect of the same journey.

- “(2) The Secretary may decline to pay a refund for a journey if—
- “(a) the Secretary is not satisfied that the claimant undertook the journey to which the claim relates; or
 - “(b) the claimant has provided insufficient or inaccurate details about the journey.”

Rebecca Kitteridge,
Clerk of the Executive Council.

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 13 May 2010, amend the War Pensions Regulations 1956 by substituting new regulations relating to the permanent travel concessions for people receiving pensions in respect of disablement.

The amendments clarify and update the existing administration of the 3 types of travel concession provided under the regulations. Substantive changes include the following:

- restricting the journeys that can be claimed for to one-way trips of 80 km or more, or return trips of 160 km or more; and
 - extending the public transport concession so it covers all forms of public transport, for all claimants, and not just for public transport on routes offered by the New Zealand Railways Corporation and its successors; and
 - extending the concession to include travel by scheduled air services, at a rate of the lesser of the price of the ticket or 22.5 cents per km; and
 - extending the concession to include travel by private vehicle (such as by car, motorbike, or van), at a rate of 22.5 cents per km; and
 - clarifying the circumstances in which a refund may be declined, including when the journey was, or could have been, undertaken at no cost by using a SuperGold card.
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**War Pensions Amendment Regulations
(No 2) 2010**

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These regulations are administered by the New Zealand Defence Force.
