



# Cabinet Legislation Committee

## Minute of Decision

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### Amendment to Veterans' Support Regulations 2014: Statements of Principles and Accepted Late-Onset Conditions

**Portfolio**                      **Veterans**

On 1 July 2021, the Cabinet Legislation Committee:

- 1        **noted** that in accordance with section 23 of the Veterans' Support Act 2014, the Minister for Veterans (the Minister) has approved the revocation and replacement of 14 Statements of Principles and the introduction of two new Statements of Principles relating to conditions that may be causally connected to a veteran's qualifying service;
- 2        **noted** that the Minister has approved revisions to the names of 29 accepted late-onset conditions set out in Schedule 2A of the Veterans' Support Regulations 2014 in order to align them with the Statements of Principles from which they were derived;
- 3        **noted** that the Cabinet Social Policy Committee authorised the Minister for Veterans to instruct the Parliamentary Counsel Office to amend Schedule 1 of the Veterans' Support Regulations 2014 to effect revisions to the Statements of Principles without further reference to Cabinet [SOC-16-MIN-0018];
- 4        **noted** that the amendment of the Veterans' Support Regulations 2014 gives effect to the decision referred to in paragraphs 1 and 2 above;
- 5        **agreed** that the amended regulations will come into force on 5 August 2021, thus complying with the 28-day rule;
- 6        **authorised** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 4) 2021 [PCO 23770/3.0].

Rebecca Davies  
Committee Secretary

**Present:**

Hon Chris Hipkins  
Hon Andrew Little  
Hon David Parker  
Hon Jan Tinetti  
Hon Ayesha Verrall

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG

## **AMENDMENT TO VETERANS' SUPPORT REGULATIONS 2014: STATEMENTS OF PRINCIPLES AND ACCEPTED LATE-ONSET CONDITIONS**

### **Proposal**

1. This paper seeks agreement to the amendment of Schedule 1 and Schedule 2A of the Veterans' Support Regulations 2014 (the Regulations).
2. Schedule 1 lists the Australian Statements of Principles that apply for the purposes of the Veterans' Support Act 2014 (the Act). Amendment is required to revoke 14 Statements of Principles, replacing them with 14 Statements of Principles; and to introduce two new Statements of Principles.
3. Schedule 2A lists accepted-late onset conditions that apply for the Act. Changes to 29 names of conditions the list are required in order to align them with those listed in Schedule 1.

### **Background**

4. In deciding claims for entitlements under the Veterans' Support Act 2014 (the Act), Veterans' Affairs must assess whether a veteran's medical condition is linked to qualifying service. Statements of Principles are one of the mechanisms under the Act for establishing this causal link. They have been specifically developed for the most commonly claimed conditions that are service-related.
5. The Statements of Principles are determined by the Australian Government Repatriation Medical Authority (RMA) and are regularly reviewed and amended. New Statements of Principles are introduced based on medical-scientific evidence linking the condition to service.
6. A Veterans' Affairs representative (a medical practitioner) attends the RMA meetings as an "attending expert". The representative provides input into the RMA's assessment of the medical-scientific evidence and on the proposed revisions to the Statements of Principles and introduction of any new Statements of Principles.
7. New Zealand adopted the Statements of Principles under Schedule 1 of the Regulations. In accordance with section 23 of the Act, I must decide if the Australian revocations and replacements and the new Statements of Principles should apply in New Zealand based upon advice from Veterans' Affairs and the independent Veterans' Health Advisory Panel.
8. Cabinet previously authorised [CAB-16-MIN-0131] that the Minister for Veterans will issue instructions to the Parliamentary Counsel Office to draft amendments to Schedule 1 of the Regulations to effect revisions to the Statements of Principles, without further reference to the then Cabinet Social Policy Committee, unless a significant issue relating to the Statements of Principles revisions arises.

9. Accepted late-onset conditions are another mechanism under the Act for establishing a link between a veteran's service and their illness or injury. They are applied only to veterans whose qualifying operational service took place after 1 April 1974 (Scheme Two). Their purpose was to ensure that families of veterans whose death was the result of a late-onset malignancy or other physical illness, or a mental disorder, receive entitlements under the Act. It was deemed that if accepted late-onset conditions were not defined, the family of a veteran whose death was caused by an event that occurred during qualifying operational service ten or more years prior to the onset of illness may not be covered as causality would be difficult to establish over this time period.
10. The original list of accepted late-onset conditions was based on identifying which conditions covered by Statements of Principles could result in death and then, of those, which had one or more late-onset causative factors.
11. I must approve changes to accepted late-onset conditions as these are specified in regulations.

#### **Proposed Regulatory Amendment to revise Statements of Principles and Accepted late-onset conditions**

12. In April 2021 Australia repealed and replaced 14 Statements of Principles and introduced two new Statements of Principles. I have decided, on the basis of advice from Veterans' Affairs and the Veterans' Health Advisory Panel, that the changes to the Statements of Principles are based upon sound medical-scientific evidence, that they can be linked to a veteran's qualifying service and that they are suitable for use in New Zealand. None of the revised or new Statements of Principles will make it significantly harder or easier to link a veteran's condition to service or are likely to result in significantly higher numbers of successful or failed claims. The Statements of Principles in question are listed in Annex A.
13. Accepted late-onset conditions are derived from the Statements of Principles. The list of these conditions first came into force in December 2015 and has not been amended since with the result that names of some conditions do not align with Statements of Principles in Schedule 1. Aligning the lists will avert any confusion over the names of the illnesses or injuries. Alignment will not make it significantly harder or easier to link a veteran's condition to service or result in significantly higher numbers of successful or failed claims. The accepted late-onset conditions in question are listed at Annex B.
14. Any changes to a Statement of Principles, through amendment, revocation (repeal) or new introduction, and to a name of an accepted late-onset condition, will not impact on any entitlement or service that has previously been granted under the Act.

#### **Timing and 28-day rule**

15. It is intended that the Veterans' Support Amendment Regulations (No 4) 2021 will come into force on 5 August 2021, thus complying with the 28-day rule.

## Compliance

16. The proposed amendment to the Regulations to replace Schedules 1 and 2A complies with each of the following:
  - 16.1. the principles of the Treaty of Waitangi;
  - 16.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
  - 16.3. the principles and guidelines set out in the Privacy Act 2020;
  - 16.4. the relevant international standards and obligations; and
  - 16.5. the Legislation Design and Advisory Committee Guidelines (2018) which are maintained by the Legislation Design and Advisory Committee.
17. In accordance with section 23 of the Act, before reaching my decision that the 14 Statements of Principles should be revoked and replaced and the two new Statements of Principles be introduced and applied in New Zealand, I received a report from Veterans' Affairs and independent advice from the Veterans' Health Advisory Panel. Both recommended the adoption of the proposed changes.

## Regulations Review Committee

18. There are no grounds for the Regulations Review Committee to draw this regulation amendment to the attention of the House under Standing Order 327.

## Certification by Parliamentary Counsel

19. The draft Regulations amendment has been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

## Financial Implications

20. The impact of the new Statements of Principles for posterior tibialis tendinopathy is not expected to affect the overall Crown liability relating to veteran entitlements.

## Impact Analysis

21. The Regulatory Impact Analysis Team at the Treasury has determined that the regulatory proposals in this paper are exempt from the requirement to provide a Regulatory Impact Statement on the basis that they have no, or minor, impacts on businesses, individuals or not-for-profit entities.

## Publicity

22. Veterans' Affairs will publish the changes on its website.

## Proactive Release

23. I intend to release this paper in full.

## Consultation

24. The Treasury and the Ministry of Social Development were consulted in the course of developing the policy and the amended Schedules 1 and 2A of the Regulations.

## Recommendations

25. I recommend that the Cabinet Legislation Committee:

1. **Note** that in accordance with section 23 of the Veterans' Support Act 2014 I have approved the revocation and replacement of 14 Statements of Principles and the introduction of two new Statements of Principles relating to conditions that may be causally connected to a veteran's qualifying service.
2. **Note** that I have approved revisions to the names of 29 accepted late-onset conditions set out in Schedule 2A of the Veterans' Support Regulations 2014 in order to align them with the Statements of Principles from which they were derived.
3. **Note** that Cabinet authorised [CAB-16-MIN-0131] the Minister for Veterans to instruct the Parliamentary Counsel Office to amend Schedule 1 of the Veterans' Support Regulations 2014 to effect revisions to the Statements of Principles without further reference to the then Cabinet Social Policy Committee.
4. **Note** that the amendment of the Veterans' Support Regulations 2014 gives effect to the decision referred to in recommendations 1 and 2 above.
5. **Agree** that the amended regulations will come into force on 5 August 2021, thus complying with the 28-day rule.
6. **Authorise** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 4) 2021.

Authorised for lodgement

Hon Meka Whaitiri  
Minister for Veterans

Date:

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**Annex:**

- A. List of Statements of Principles for Possible Application in New Zealand by amendment to the Veterans' Support Regulations 2014 through amendment of Schedule 1.
- B. List of revisions to the names of accepted late-onset conditions for application in New Zealand by amendment to the Veterans' Support Regulations 2014 through amendment of Schedule 2A.

Proactively Released by the Minister for Veterans

**LIST OF STATEMENTS OF PRINCIPLES FOR POSSIBLE APPLICATION IN NEW ZEALAND BY  
AMENDMENT TO THE VETERANS' SUPPORT REGULATIONS 2014 THROUGH AMENDMENT  
OF SCHEDULE 1**

*Note: Each condition has two Statements of Principles. The Reasonable Hypothesis version of the Statement of Principles is applied when the veteran's condition is presumed to have arisen due to qualifying operational service. The Balance of Probabilities version of the Statement of Principles is applied when the veteran's condition is presumed to have arisen due to qualifying routine service.*

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
asthma	31/2021 Replacing 60/2012.	32/2021 Replacing 61/2012.
acute lymphoblastic leukaemia/lymphoblastic lymphoma	33/2021 Replacing 75/2012 Name has changed from "acute lymphoblastic leukaemia".	34/2021 Replacing 76/2012 Name has changed from "acute lymphoblastic leukaemia".
deep vein thrombosis	35/2021 Replacing 54/2012.	36/2021 Replacing 55/2012.
pulmonary thromboembolism	37/2021 Replacing 56/2012.	38/2021 Replacing 57/2012.
ankylosing spondylitis	39/2021 Replacing 3/2013.	40/2021 Replacing 4/2013.
malignant neoplasm of the kidney	41/2021 Replacing 9/2013 Name has changed from "adenocarcinoma of the kidney".	42/2021 Replacing 10/2013 Name has changed from "adenocarcinoma of the kidney".
seborrhoeic dermatitis	43/2021 Replacing 13/2013.	44/2021 Replacing 14/2013.
posterior tibialis tendinopathy	45/2021 NEW.	46/2021 NEW.

**LIST OF REVISIONS TO THE NAMES OF ACCEPTED LATE-ONSET CONDITIONS FOR POSSIBLE APPLICATION IN NEW ZEALAND BY AMENDMENT TO THE VETERANS SUPPORT REGULATIONS THROUGH AMENDMENT OF SCHEDULE 2A**

<b>Statement of Principles in Schedule 1 as at 1 April 2021</b>	<b>Name of condition in Schedule 2A as at 1 April 2021</b>	<b>Required amendment(s) in Schedule 2A</b>
acute lymphoblastic leukaemia	acute lymphoblastic leukaemia	acute lymphoblastic leukaemia/lymphoblastic lymphoma <i>(because name of condition is changing when the Statements of Principles in this submission come into force in NZ).</i>
adenocarcinoma of the kidney	adenocarcinoma of the kidney	Delete adenocarcinoma of the kidney. Add malignant neoplasm of the kidney. <i>(because name of condition is changing to this and will apply in NZ when the Statements of Principles in this submission come into force).</i>
Alzheimer disease	alzheimer-type dementia	Alzheimer disease <i>Name has changed.</i>  <i>In addition, add to Schedule 2A in appropriate alphabetical order:</i> neurocognitive disorder with Lewy bodies <i>(because alzheimer-type dementia was split into two separate illnesses)</i>
aortic aneurysm	aortic aneurysm	aortic aneurysm and aortic wall disorders <i>(because name of condition is changing and come into force in NZ on 10 June 2021).</i>
carotid artery disease	carotid arterial disease	carotid artery disease <i>(because name of condition has changed).</i>
Cushing syndrome	Cushing's syndrome	Cushing syndrome <i>(because name of condition has changed).</i>



<b>Statement of Principles in Schedule 1 as at 1 April 2021</b>	<b>Name of condition in Schedule 2A as at 1 April 2021</b>	<b>Required amendment(s) in Schedule 2A</b>
cut, stab, abrasion and laceration	Cut, stab, abrasion and laceration	cut, stab, abrasion and laceration <i>(because capital letter is not needed on "cut")</i> .
dengue fever	dengue fever	dengue virus infection <i>(because name of condition is changing and comes into force in NZ on 10 June 2021)</i> .
hypersensitivity pneumonitis	extrinsic allergic alveolitis	hypersensitivity pneumonitis <i>(because name of condition has changed)</i> .
cardiomyopathy	familial hypertrophic cardiomyopathy  cardiomyopathy	<i>Delete from list:</i> familial hypertrophic cardiomyopathy <i>(because it has been merged into the SOP for cardiomyopathy, which is in Schedule 2A)</i> .
hereditary haemochromatosis	haemochromatosis	hereditary haemochromatosis <i>(because name of condition is changing and comes into force in NZ on 10 June 2021)</i> .
human immunodeficiency virus infection	human immunodeficiency virus	human immunodeficiency virus infection <i>(because name of condition has changed)</i> .
human T-cell lymphotropic virus type-1 infection	human T-cell lymphotropic virus type 1	human T-cell lymphotropic virus type-1 infection <i>(because name of condition has changed)</i> .
immune thrombocytopenia	immune thrombocytopenic purpura	immune thrombocytopenia <i>(because name of condition has changed)</i> .
Kaposi sarcoma	Kaposi's sarcoma	Kaposi sarcoma <i>(because name of condition has changed)</i> .
malignant neoplasm of the testis and paratesticular tissues	malignant neoplasm of the testis and paratesticular tissue	malignant neoplasm of the testis and paratesticular tissues <i>(because the third "s" was missing in "tissues")</i> .

Current Statement of Principles in Schedule 1	Name of condition currently used in Schedule 2A	Required amendment(s) in Schedule 2A
melioidosis	melioidosis	melioidosis <i>(because the second "l" was missing).</i>
microscopic polyangiitis	microscopic polyantiitis	microscopic polyangiitis <i>(because of misspelling – need to change first "t" in "polyantiitis" to "g").</i>
myelodysplastic syndrome	myelodysplastic disorder	myelodysplastic syndrome <i>(because name of condition has changed).</i>
non-Hodgkin lymphoma	non-Hodgkin's lymphoma	non-Hodgkin lymphoma <i>(because name of condition has changed).</i>
osteogenesis imperfecta	osteogenesis imperfecta	osteogenesis imperfecta <i>(because of misspelling. Third "e" in osteogenesis" was missing).</i>
Parkinson's disease and secondary parkinsonism	Parkinson's disease and parkinsonism	Parkinson's disease and secondary parkinsonism <i>(because name of condition has changed).</i>
peritoneal adhesions	peritonal adhesions	peritoneal adhesions <i>(because of misspelling. Second "e" in "peritoneal" is missing).</i>
explosive blast injury gunshot injury	physical injury due to munitions discharge	Add to Schedule 2A list in alphabetical order:  explosive blast injury  gunshot injury  Delete from Schedule 2 list: physical injury due to munitions discharge, <i>(because this condition has been split into two conditions).</i>
poisoning from plants or fungi	poisoning and toxic reaction from plants and fungi	poisoning from plants or fungi <i>(because name of condition has changed).</i>

<b>Current Statement of Principles in Schedule 1</b>	<b>Name of condition currently used in Schedule 2A</b>	<b>Required amendment(s) in Schedule 2A</b>
posttraumatic stress disorder	post-traumatic stress disorder	posttraumatic stress disorder <i>(because name of condition has changed).</i>
rapidly progressive crescentic glomerulonephritis	rapidly progressing crescentic glomerulonephritis	rapidly progressive crescentic glomerulonephritis <i>(Misspelling. "Progressing" should have been "progressive").</i>
schistosomiasis	schistomosomiasis	schistosomiasis <i>(Misspelling. The "mo" should have been excluded).</i>
thromboangiitis obliterans	thromboagniitis obliterans	thromboangiitis obliterans <i>(Misspelling. The "ang" in "thromboangiitis" was incorrectly spelled).</i>

Proactively Released by the Ministry of Veterans

# Veterans' Support Amendment Regulations (No 4) 2021

## Order in Council

At Wellington this                      day of                      2021

Present:  
in Council

These regulations are made under sections 23(3) and 265 of the Veterans' Support Act 2014—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Veterans made in accordance with section 23 of that Act.

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## Regulations

### 1 Title

These regulations are the Veterans' Support Amendment Regulations (No 4) 2021.

### 2 Commencement

These regulations come into force on 5 August 2021.

### 3 Principal regulations

These regulations amend the Veterans' Support Regulations 2014.

### 4 Schedule 1 amended

Amend Schedule 1 as set out in Schedule 1 of these regulations.

### 5 Schedule 2A amended

Amend Schedule 2A as set out in Schedule 2 of these regulations.

## Schedule 1

### Amendments to Schedule 1

cl 4

Revoke the items relating to acute lymphoblastic leukaemia and adenocarcinoma of the kidney.

Insert in their appropriate alphabetical order:

acute lymphoblastic leukaemia/lymphoblastic lymphoma	33/2021	34/2021
malignant neoplasm of the kidney	41/2021	42/2021
posterior tibialis tendinopathy	45/2021	46/2021

In the item relating to ankylosing spondylitis,—

- (a) replace “3/2013” with “39/2021”; and
- (b) replace “4/2013” with “40/2021”.

In the item relating to asthma,—

- (a) replace “60/2012” with “31/2021”; and
- (b) replace “61/2012” with “32/2021”.

In the item relating to deep vein thrombosis,—

- (a) replace “54/2012” with “35/2021”; and
- (b) replace “55/2012” with “36/2021”.

In the item relating to pulmonary thromboembolism,—

- (a) replace “56/2012” with “37/2021”; and

- (b) replace “57/2012” with “38/2021”.
- In the item relating to seborrhoeic dermatitis,—
- (a) replace “13/2013” with “43/2021”; and
- (b) replace “14/2013” with “44/2021”.

## Schedule 2 Amendments to Schedule 2A

cl 5

Revoke the items relating to:

- (a) acute lymphoblastic leukaemia:
- (b) adenocarcinoma of the kidney:
- (c) alzheimer-type dementia:
- (d) aortic aneurysm:
- (e) carotid arterial disease:
- (f) Cushing’s syndrome:
- (g) Cut, stab, abrasion and laceration:
- (h) dengue fever:
- (i) extrinsic allergic alveolitis:
- (j) familial hypertrophic cardiomyopathy:
- (k) haemochromatosis:
- (l) human immunodeficiency virus:
- (m) human T-cell lymphotropic virus type 1:
- (n) immune thrombocytopaenic purpura:
- (o) Kaposi’s sarcoma:
- (p) malignant neoplasm of the testis and paratesticular tissue:
- (q) meliodosis:
- (r) microscopic polyantiitis:
- (s) myelodysplastic disorder:
- (t) non-Hodgkin’s lymphoma:
- (u) osteogenesis imperfecta:
- (v) Parkinson’s disease and parkinsonism:
- (w) peritoneal adhesions:
- (x) physical injury due to munitions discharge:
- (y) poisoning and toxic reaction from plants and fungi:
- (z) post-traumatic stress disorder:

- (za) rapidly progressing crescentic glomerulonephritis:
- (zb) schistosomiasis:
- (zc) thromboangiitis obliterans.

Insert in their appropriate alphabetical order:

acute lymphoblastic leukaemia/lymphoblastic lymphoma  
Alzheimer disease  
aortic aneurysm and aortic wall disorders  
carotid artery disease  
Cushing syndrome  
cut, stab, abrasion and laceration  
dengue virus infection  
explosive blast injury  
gunshot injury  
hereditary haemochromatosis  
human immunodeficiency virus infection  
human T-cell lymphotropic virus type-1 infection  
hypersensitivity pneumonitis  
immune thrombocytopenia  
Kaposi sarcoma  
malignant neoplasm of the kidney  
malignant neoplasm of the testis and paratesticular tissues  
melioidosis  
microscopic polyangiitis  
myelodysplastic syndrome  
neurocognitive disorder with Lewy bodies  
non-Hodgkin lymphoma  
osteogenesis imperfecta  
Parkinson's disease and secondary parkinsonism  
peritoneal adhesions  
poisoning from plants or fungi  
posttraumatic stress disorder  
rapidly progressive crescentic glomerulonephritis  
schistosomiasis  
thromboangiitis obliterans

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 5 August 2021, amend the Veterans' Support Regulations 2014 (the **principal regulations**).

*Regulation 4 and Schedule 1* amend Schedule 1 of the principal regulations, which lists the Australian statements of principles (the **statements**) that apply to specified medical conditions for the purposes of the Veterans' Support Act 2014 (the **Act**). The amendments—

- replace the names of 2 conditions in order to to reflect the statements (note that the condition adenocarcinoma of the kidney is now called malignant neoplasm of the kidney):
- insert a new condition, posterior tibialis tendinopathy, to which the statements apply:
- replace references to the statements with updated references.

*Regulation 5 and Schedule 2* amend Schedule 2A of the principal regulations, which lists accepted late-onset conditions for the purposes of the definition of accepted late-onset condition in section 7 of the Act. The amendments replace the names of 29 conditions in order to reflect the statements. In most cases, it is clear which new name corresponds to the previous name for the relevant condition. For clarity, it is worth noting that—

- the condition alzheimer-type dementia is now 2 new conditions, Alzheimer disease and neurocognitive disorder with Lewy bodies:
- the condition physical injury due to munitions discharge is now 2 new conditions, explosive blast injury and gunshot injury:
- the condition adenocarcinoma of the kidney is now called malignant neoplasm of the kidney:
- the conditon extrinsic allergic alveolitis is now called hypersensitivity pneumonitis.

The reference to the condition familial hypertrophic cardiomyopathy has been revoked, as, under the statements, that condition is now part of the condition cardiomyopathy, which is already listed in Schedule 2A.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These regulations are administered by the New Zealand Defence Force.