

MINISTER FOR VETERANS

Amendment to Veterans' Support Regulations 2014: Statements of Principles

May 2023

This paper seeks authorisation for submission to the Executive Council of the Veterans' Support Amendment Regulations 2023 (the Amendment Regulations).

The pack comprises the following documents:

- April 2023 Cabinet Legislation Committee Minute of Decision *Amendment to Veterans' Support Regulations 2014: Statements of Principles* [LEG-23-MIN-0032]; and
- The associated Cabinet Paper *Amendment to Veterans' Support Regulations 2014: Statements of Principles*.

This pack has been released on the New Zealand Defence Force website, available at: www.nzdf.mil.nz/nzdf/search-our-libraries/documents/?document-type=Official+information&sort=relevance.

No information has been withheld.



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Amendment to Veterans' Support Regulations 2014: Statements of Principles

Portfolio **Veterans**

On 6 April 2023, the Cabinet Legislation Committee:

- 1 **noted** that in accordance with section 23 of the Veterans' Support Act 2014, the Minister for Veterans has approved the:
 - 1.1 revocation and replacement of 22 Statements of Principles; and
 - 1.2 introduction of four new Statements of Principles relating to conditions that may be causally connected to a veteran's qualifying service;
- 2 **noted** that in March 2016, the previous government 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];
- 3 **noted** that the proposed amendment of the Veterans' Support Regulations 2014 gives effect to the decisions referred to in paragraph 1;
- 4 **noted** that the Veterans' Support Amendment Regulations 2023 will come into force on 11 May 2023, thus complying with the 28-day rule;
- 5 **authorised** the submission to the Executive Council of the Veterans' Support Amendment Regulations 2023 [PCO 25424/3.0].

Vivien Meek
Committee Secretary

Present:

Hon Grant Robertson (Chair)
Hon Megan Woods
Hon Andrew Little
Hon David Parker
Hon Kieran McAnulty
Hon Ginny Andersen
Hon Barbara Edmonds
Hon Willow-Jean Prime
Tangi Utikere, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG

AMENDMENT TO VETERANS' SUPPORT REGULATIONS 2014: STATEMENTS OF PRINCIPLES

Proposal

1. This paper seeks agreement to the amendment of Schedule 1 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 22 Statements of Principles, replacing them with 22 Statements of Principles, and to introduce four new Statements of Principles.

Background

3. 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.
4. 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.
5. 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.
6. 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 of Statements of Principles, and any new Statements of Principles if there are any, should apply in New Zealand based upon advice from Veterans' Affairs and the independent Veterans' Health Advisory Panel.
7. 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.

Proposed Regulatory Amendment to revise Statements of Principles

8. In November 2022 and January 2023, Australia repealed and replaced 22 Statements of Principles and introduced four 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 22 Statements of Principles and the introduction of four new 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 replacement 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.
9. The replacement Statements of Principles have undergone revisions, additions, and deletions of definitions, and of causative factors that link a veteran's injury, illness or death to their qualifying service. The new Statements of Principles for the conditions of *diaphragmatic hernia* and *portal vein thrombosis* have been introduced as medical-scientific evidence indicates that both can be linked to veterans' qualifying service.
10. Any changes to a Statement of Principles, through amendment, revocation (repeal) or new introduction will not impact on any entitlement or service that has previously been granted under the Act.

Timing and 28-day rule

11. It is intended that the Veterans' Support Amendment Regulations 2023 will come into force on 11 May 2023, thus complying with the 28-day rule.

Compliance

12. The proposed amendment to the Regulations to replace Schedule 1 complies with each of the following:
 - 12.1. the principles of the Treaty of Waitangi;
 - 12.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 12.3. the principles and guidelines set out in the Privacy Act 2020;
 - 12.4. the relevant international standards and obligations; and
 - 12.5. the Legislation Design and Advisory Committee Guidelines (2021) which are maintained by the Legislation Design and Advisory Committee.
13. In accordance with section 23 of the Act, before reaching my decision that the 22 Statements of Principles should be revoked and replaced, and the four new Statements of Principles should be applied in New Zealand, I received reports from

Veterans' Affairs and independent advice from the Veterans' Health Advisory Panel. Both recommended the adoption of the proposed changes and introductions.

Regulations Review Committee

14. 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

15. The draft Amendment Regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Financial Implications

16. The changes to the Statements of Principles and the addition of the four new Statements of Principles for *diaphragmatic hernia* and *portal vein thrombosis* are not expected to affect the overall Crown liability relating to veteran entitlements.

Impact Analysis

17. 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

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

Proactive Release

19. I intend to release this paper in full apart from any legally privileged material.

Consultation

20. The Treasury and the Ministry of Social Development were consulted in the course of developing the policy and the amended Schedule 1 of the Regulations.

Recommendations

21. 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 22 Statements of Principles and the introduction of four new Statements of Principles relating to conditions that may be causally connected to a veteran's qualifying service.
 2. **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.

3. **Note** that the proposed amendment of the Veterans' Support Regulations 2014 gives effect to the decisions referred to in recommendation 1 above.
4. **Agree** that the Veterans' Support Amendment Regulations 2023 will come into force on 11 May 2023, thus complying with the 28-day rule.
5. **Authorise** the submission to the Executive Council of the Veterans' Support Amendment Regulations 2023.

Authorised for lodgement

Hon Meka Whaitiri
Minister for Veterans

Date:

Annex:

- A. List of Statements of Principles for Possible Application in New Zealand by amendment of Schedule 1 of the Veterans' Support Regulations 2014

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

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
acute stress disorder	95/2022 Replacing 41/2014.	96/2022 Replacing 42/2014.
allergic rhinitis	111/2022 Replacing 22/2014.	112/2022 Replacing 23/2014.
atrial fibrillation and atrial flutter	1/2023 Replacing 49/2014.	2/2023 Replacing 50/2014.
diaphragmatic hernia	99/2022 NEW.	100/2022 NEW.
epicondylitis	5/2023 Replacing 7/2015.	6/2023 Replacing 8/2015.
leptospirosis	101/2022 Replacing 94/2014.	102/2022 Replacing 95/2014.
malignant neoplasm of the prostate	3/2023 Replacing 53/2014.	4/2023 Replacing 54/2014.
malignant neoplasm of unknown primary site	103/2022 Replacing 80/2014.	104/2022 Replacing 81/2014.
pleural plaque	105/2022 Replacing 45/2014.	106/2022 Replacing 46/2014.
portal vein thrombosis	107/2022 NEW.	108/2022 NEW.

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
posttraumatic stress disorder	97/2022 Replacing 82/2014.	98/2022 Replacing 83/2014.
restless legs syndrome	113/2022 Replacing 20/2014.	114/2022 Replacing 21/2014.
rotator cuff syndrome	109/2022 Replacing 100/2014.	110/2022 Replacing 101/2014.

Proactively Released by the Minister for Veterans

Veterans' Support Amendment Regulations 2023

Order in Council

At Wellington this day of 2023

Present:
in Council

These regulations are made under section 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.

Contents

	Page
1 Title	1
2 Commencement	2
3 Principal regulations	2
4 Schedule 1 amended	2
Schedule	3
Schedule 1 amended	

Regulations

1 Title

These regulations are the Veterans' Support Amendment Regulations 2023.

2 Commencement

These regulations come into force on 11 May 2023.

3 Principal regulations

These regulations amend the Veterans' Support Regulations 2014.

4 Schedule 1 amended

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

Proactively Released by the Minister for Veterans

Schedule
Schedule 1 amended

r 4

In the item relating to acute stress disorder,—

- (a) replace “41/2014” with “95/2022”; and
- (b) replace “42/2014” with “96/2022”.

In the item relating to allergic rhinitis,—

- (a) replace “22/2014” with “111/2022”; and
- (b) replace “23/2014” with “112/2022”.

In the item relating to atrial fibrillation and atrial flutter,—

- (a) replace “49/2014” with “1/2023”; and
- (b) replace “50/2014” with “2/2023”.

Insert in its appropriate alphabetical order:

diaphragmatic hernia	99/2022	100/2022
----------------------	---------	----------

In the item relating to epicondylitis,—

- (a) replace “7/2015” with “5/2023”; and
- (b) replace “8/2015” with “6/2023”.

In the item relating to leptospirosis,—

- (a) replace “94/2014” with “101/2022”; and
- (b) replace “95/2014” with “102/2022”.

In the item relating to malignant neoplasm of the prostate,—

- (a) replace “53/2014” with “3/2023”; and
- (b) replace “54/2014” with “4/2023”.

In the item relating to malignant neoplasm of unknown primary site,—

- (a) replace “80/2014” with “103/2022”; and
- (b) replace “81/2014” with “104/2022”.

In the item relating to pleural plaque,—

- (a) replace “45/2014” with “105/2022”; and
- (b) replace “46/2014” with “106/2022”.

Insert in its appropriate alphabetical order:

portal vein thrombosis	107/2022	108/2022
------------------------	----------	----------

In the item relating to posttraumatic stress disorder,—

- (a) replace “82/2014” with “97/2022”; and
- (b) replace “83/2014” with “98/2022”.

In the item relating to restless legs syndrome,—

- (a) replace “20/2014” with “113/2022”; and
- (b) replace “21/2014” with “114/2022”.

In the item relating to rotator cuff syndrome,—

- (a) replace “100/2014” with “109/2022”; and
- (b) replace “101/2014” with “110/2022”.

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 11 May 2023, amend the Veterans' Support Regulations 2014 (the **principal regulations**).

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

- insert the names of 2 new conditions (diaphragmatic hernia and portal vein thrombosis) and references to statements related to those conditions:
- replace references to certain statements with updated references.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

These regulations are administered by the New Zealand Defence Force.