



# Cabinet Legislation Committee

## Minute of Decision

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### Amendment to Veterans' Support Regulations 2014: Statements of Principles

**Portfolio**                      **Veterans**

On 6 May 2021, 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 revocation of 48 Statements of Principles and their replacement with 46 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        **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 a policy committee [CAB-16-MIN-0131];
- 3        **noted** that the amendment of the Veterans' Support Regulations 2014 gives effect to the decision referred to in paragraph 1 above;
- 4        **authorised** the submission to the Executive Council of the Veterans' Support Amendment Regulations 2021 [PCO 23714/4.0];
- 5        **noted** that the Amendment Regulations come into force on 10 June 2021.

Rebecca Davies  
Committee Secretary

**Present:**

Hon Chris Hipkins (Chair)  
Hon Andrew Little  
Hon Kris Faafoi  
Hon Michael Wood (Deputy Chair)  
Hon Dr David Clark  
Keiran McAnulty, MP (Senior Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG

**Hard-copy distribution:**

Minister for Veterans

## **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) which lists the Australian Statements of Principles that apply for the purposes of the Veterans' Support Act 2014. Amendment is required to revoke 48 Statements of Principles, replacing them with 46 Statements of Principles; and to introduce four new Statements of Principles.

### **Background**

2. 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.
3. 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.
4. 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.
5. 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.
6. 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**

7. Between November 2020 and January 2021, Australia revoked 48 Statements of Principles, replacing them with 46 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 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.

8. Any changes to a Statement of Principles, either through amendment or 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**

9. It is intended that the Veterans' Support Amendment Regulations (No 3) 2021 will come into force on 10 June 2021, thus complying with the 28-day rule.

#### **Compliance**

10. The proposed amendment to the Regulations to replace Schedule 1 complies with each of the following:
  - 10.1. the principles of the Treaty of Waitangi;
  - 10.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
  - 10.3. the principles and guidelines set out in the Privacy Act 2020;
  - 10.4. the relevant international standards and obligations; and
  - 10.5. the Legislation Design and Advisory Committee Guidelines (2018) which are maintained by the Legislation Design and Advisory Committee.
11. In accordance with section 23 of the Act, before reaching my decision that the 48 Statements of Principles should be revoked and replaced with 46 Statements of Principles and the four 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**

12. 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**

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

#### **Impact Analysis**

14. 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**

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

## Proactive Release

16. I intend to release this paper in full.

## Consultation

17. 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

18. 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 of 48 Statements of Principles and their replacement with 46 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 amendment of the Veterans' Support Regulations 2014 gives effect to the decision referred to in recommendation 1 above.
4. **Agree** that the amended regulations will come into force on 10 June 2021, thus complying with the 28-day rule.
5. **Authorise** the submission to the Executive Council of the Veterans' Support Amendment Regulations 2021.

Authorised for lodgement

**Hon Meka Whaitiri**  
Minister for Veterans

Date:

### Annex:

- A. List of Statements of Principles for Possible Application in New Zealand

**LIST OF STATEMENTS OF PRINCIPLES FOR 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
peripheral artery disease	70/2020 Replacing 23/2012 Name has changed from "atherosclerotic peripheral vascular disease".	71/2020 Replacing 24/2012 Name has changed from "atherosclerotic peripheral vascular disease".
adhesive capsulitis of the shoulder	72/2020 Replacing 7/2012.	73/2020 Replacing 8/2012.
spinal adhesive arachnoiditis	74/2020 Replacing 116/2011.	75/2020 Replacing 117/2011.
conjunctivitis	76/2020 Replacing 1/2012.	77/2020 Replacing 2/2012.
dengue virus infection	78/2020 Replacing 13/2012 Name has changed from "dengue fever".	79/2020 Replacing 14/2012 Name has changed from "dengue fever".
malignant neoplasm of the cervix	80/2020 Replacing 39/2012.	81/2020 Replacing 40/2012.
photocontact dermatitis	82/2020 Replacing 108/2011.	83/2020 Replacing 109/2011.
tinnitus	84/2020 Replacing 33/2012.	85/2020 Replacing 34/2012.
otitic barotrauma	86/2020 Replacing 35/2012.	87/2020 Replacing 36/2012.

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
toxic vestibulopathy	88/2020 NEW.	89/2020 NEW.
inflammatory bowel disease	90/2020 Replacing 19/2012.	91/2020 Replacing 20/2012.
allergic contact dermatitis	1/2021 Replacing 112/2011.	2/2021 Replacing 113/2011.
irritant contact dermatitis	3/2021 Replacing 110/2011.	4/2021 Replacing 111/2021.
angle-closure glaucoma	5/2021 Replacing 25/2012.	6/2021 Replacing 26/2012.
chronic venous insufficiency of the lower limb and varicose veins of the lower limb	7/2021 Replacing 29/2012 for "chronic venous insufficiency of the lower limb" and 120/2011 for "varicose veins of the lower limb".	8/2021 Replacing 30/2012 for "chronic venous insufficiency of the lower limb" and 121/2011 for "varicose veins of the lower limb".
dementia pugilistica	9/2021 Replacing 11/2012.	10/2021 Replacing 12/2012.
giant cell arteritis	11/2021 Replacing 71/2012.	12/2021 Replacing 72/2012.
psoriasis	13/2021 Replacing 31/2012.	14/2021 Replacing 32/2012.
psoriatic arthritis	15/2021 Replacing 5/2012. Name has changed from "psoriatic arthropathy".	16/2021 Replacing 6/2012. Name has changed from "psoriatic arthropathy".
acute infectious mononucleosis	17/2021 Replacing 3/2012.	18/2021 Replacing 4/2012.
anosmia	19/2021 Replacing 118/2011.	20/2021 Replacing 119/2011.

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
aortic aneurysm and aortic wall disorders	21/2021 Replacing 9/2012. Name has changed from "aortic aneurysm".	22/2021 Replacing 10/2012. Name has changed from "aortic aneurysm".
hereditary haemochromatosis	23/2021 Replacing 21/2012. Name has changed from "haemochromatosis".	24/2021 Replacing 22/2012. Name has changed from "haemochromatosis".
otitis externa	25/2021 Replacing 58/2012.	26/2021 Replacing 59/2012.
hyperacusis	27/2021 NEW.	28/2021 NEW.

# Veterans' Support Amendment Regulations (No 3) 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 3) 2021.
- 2 Commencement**  
These regulations come into force on 10 June 2021.



### 3 Principal regulations

These regulations amend the Veterans' Support Regulations 2014.

### 4 Schedule 1 amended

*References and names inserted*

- (1) In Schedule 1, insert in their appropriate alphabetical order:

chronic venous insufficiency of the lower limb and varicose veins of the lower limb	7/2021	8/2021
hyperacusis	27/2021	28/2021
toxic vestibulopathy	88/2020	89/2020

- (2) In Schedule 1, revoke the items relating to chronic venous insufficiency of the lower limb and varicose veins of the lower limb.

*References replaced*

- (3) In Schedule 1, item relating to acute infectious mononucleosis,—
- (a) replace “3/2012” with “17/2021”; and
  - (b) replace “4/2012” with “18/2021”.
- (4) In Schedule 1, item relating to adhesive capsulitis of the shoulder,—
- (a) replace “7/2012” with “72/2020”; and
  - (b) replace “8/2012” with “73/2020”.
- (5) In Schedule 1, item relating to allergic contact dermatitis,—
- (a) replace “112/2011” with “1/2021”; and
  - (b) replace “113/2011” with “2/2021”.
- (6) In Schedule 1, item relating to angle-closure glaucoma,—
- (a) replace “25/2012” with “5/2021”; and
  - (b) replace “26/2012” with “6/2021”.
- (7) In Schedule 1, item relating to anosmia,—
- (a) replace “118/2011” with “19/2021”; and
  - (b) replace “119/2011” with “20/2021”.
- (8) In Schedule 1, item relating to conjunctivitis,—
- (a) replace “1/2012” with “76/2020”; and
  - (b) replace “2/2012” with “77/2020”.
- (9) In Schedule 1, item relating to dementia pugilistica,—
- (a) replace “11/2012” with “9/2021”; and
  - (b) replace “12/2012” with “10/2021”.
- (10) In Schedule 1, item relating to giant cell arteritis,—
- (a) replace “71/2012” with “11/2021”; and

- (b) replace “72/2012” with “12/2021”.
- (11) In Schedule 1, item relating to inflammatory bowel disease,—
- (a) replace “19/2012” with “90/2020”; and
- (b) replace “20/2012” with “91/2020”.
- (12) In Schedule 1, item relating to irritant contact dermatitis,—
- (a) replace “110/2011” with “3/2021”; and
- (b) replace “111/2011” with “4/2021”.
- (13) In Schedule 1, item relating to malignant neoplasm of the cervix,—
- (a) replace “39/2012” with “80/2020”; and
- (b) replace “40/2012” with “81/2020”.
- (14) In Schedule 1, item relating to otitic barotrauma,—
- (a) replace “35/2012” with “86/2020”; and
- (b) replace “36/2012” with “87/2020”.
- (15) In Schedule 1, item relating to otitis externa,—
- (a) replace “58/2012” with “25/2021”; and
- (b) replace “59/2012” with “26/2021”.
- (16) In Schedule 1, item relating to photocontact dermatitis,—
- (a) replace “108/2011” with “82/2020”; and
- (b) replace “109/2011” with “83/2020”.
- (17) In Schedule 1, item relating to psoriasis,—
- (a) replace “31/2012” with “13/2021”; and
- (b) replace “32/2012” with “14/2021”.
- (18) In Schedule 1, item relating to spinal adhesive arachnoiditis,—
- (a) replace “116/2011” with “74/2020”; and
- (b) replace “117/2011” with “75/2020”.
- (19) In Schedule 1, item relating to tinnitus,—
- (a) replace “33/2012” with “84/2020”; and
- (b) replace “34/2012” with “85/2020”.

*References and names replaced*

- (20) In Schedule 1, replace the item relating to aortic aneurysm with:

aortic aneurysm and aortic wall disorders	21/2021	22/2021
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- (21) In Schedule 1,—
- (a) revoke the item relating to atherosclerotic peripheral vascular disease; and
- (b) insert in its appropriate alphabetical order:

	peripheral artery disease	70/2020	71/2020
(22)	In Schedule 1, replace the item relating to dengue fever with:		
	dengue virus infection	78/2020	79/2020
(23)	In Schedule 1,—		
	(a) revoke the item relating to haemochromatosis; and		
	(b) insert in its appropriate alphabetical order:		
	hereditary haemochromatosis	23/2021	24/2021
(24)	In Schedule 1, replace the item relating to psoriatic arthropathy with:		
	psoriatic arthritis	15/2021	16/2021

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 10 June 2021, amend the Veterans' Support Regulations 2014 (the **principal regulations**).

The regulations amend Schedule 1 of the principal regulations, which lists the Australian statements of principles that apply to specified medical conditions for the purposes of the Veterans' Support Act 2014.

The amendments insert references to the Australian statements of principles for 3 new conditions, as follows:

- chronic venous insufficiency of the lower limb and varicose veins of the lower limb (the previous conditions “chronic venous insufficiency of the lower limb” and “varicose veins of the lower limb” have been merged into 1 new condition);
- hyperacusis;
- toxic vestibulopathy.

The references to “chronic venous insufficiency of the lower limb” and “varicose veins of the lower limb” are revoked, as these have been merged into 1 new condition, as above.

The amendments replace references to the Australian statements of principles with updated references for 17 conditions.

The amendments also replace the names and references to the Australian statements of principles with new names and references for 5 conditions. The conditions with new names are as follows:

- aortic aneurysm and aortic wall disorders (formerly aortic aneurysm):

- dengue virus infection (formerly dengue fever):
- hereditary haemochromatosis (formerly haemochromatosis):
- peripheral artery disease (formerly atherosclerotic peripheral vascular disease):
- psoriatic arthritis (formerly psoriatic arthropathy).

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These regulations are administered by the New Zealand Defence Force.

Proactively Released by the Minister for Veterans