



# Cabinet Business Committee

## Minute of Decision

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

**Portfolio**                      **Veterans**

On 26 January 2021, the Cabinet Business Committee:

- 1        **noted** that, in accordance with section 23 of the Veterans' Support Act 2014, the Minister for Veterans has approved the revocation and replacement of 18 Statements of Principles and the introduction of four new Statements of Principles relating to conditions that may be causally connected to a veterans' qualifying service;
- 2        **noted** that in 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 [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        **agreed** that the amended regulations will come into force on 5 March 2021, thus complying with the 28-day rule;
- 5        **authorised** the submission to the Executive Council of the Veterans' Support Amendment Regulations 2021 [PCO 23326/7.0].

Rachel Clarke  
Committee Secretary

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**Present: (see over)**

**Present:**

Rt Hon Jacinda Ardern  
Hon Grant Robertson  
Hon Kelvin Davis  
Hon Dr Megan Woods  
Hon Chris Hipkins  
Hon Carmel Sepuloni  
Hon Andrew Little  
Hon David Parker  
Hon Nanaia Mahuta  
Hon Poto Williams  
Hon Damien O'Connor  
Hon Stuart Nash  
Hon Kris Faafoi  
Hon Peeni Henare  
Hon Jan Tinetti

**Officials present from:**

Office of the Prime Minister  
Department of the Prime Minister and Cabinet

Proactively Released by the Minister for Veterans

Office of the Minister for Veterans

Chair, Cabinet Business Committee

## **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 18 Statements of Principles, replacing them with 18 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 June and September 2020 Australia revoked 18 Statements of Principles, replacing them with 18 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 2021 will come into force on 5 March 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 1993;
  - 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 18 Statements of Principles should be revoked and replaced with 18 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 Quality 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 18 Statements of Principles and their replacement with 18 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 5 March 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:

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### 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
coronavirus disease 2019 (COVID-19)	46/2020 NEW	47/2020 NEW
diabetes mellitus	48/2020 Replacing 89/2011.	49/2020 Replacing 90/2011.
retinal vascular occlusion	50/2020 Replacing 83/2011 Name has changed from "retinal vascular occlusive disease".	51/2020 Replacing 84/2011 Name has changed from "retinal vascular occlusive disease".
non-aneurysmal aortic atherosclerotic disease	52/2020 Replacing 15/2012.	53/2020 Replacing 16/2012.
carotid artery disease	54/2020 Replacing 37/2012 Name has changed from "carotid arterial disease".	55/2020 Replacing 38/2012 Name has changed from "carotid arterial disease".
renal artery atherosclerotic disease	56/2020 Replacing 102/2011.	57/2020 Replacing 103/2011.
aplastic anaemia	58/2020 Replacing 50/2012.	59/2020 Replacing 51/2012.
pure red cell aplasia	60/2010 NEW A condition split from "aplastic anaemia" 50/2012.	61/2020 NEW A condition split from "aplastic anaemia" 50/2012.
chloracne	62/2020 Replacing 17/2012.	63/2020 Replacing 18/2012.
chronic pancreatitis	64/2020 Replacing 104/2011.	65/2020 Replacing 105/2011.

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
malignant neoplasm of the bone and articular cartilage	66/2020 Replacing 106/2011.	67/2020 Replacing 107/2011.

Proactively Released by the Minister for Veterans

# Veterans' Support Amendment Regulations 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 2021.
- 2 Commencement**  
These regulations come into force on 5 March 2021.



### 3 Principal regulations

These regulations amend the Veterans' Support Regulations 2014 (the **principal regulations**).

### 4 Schedule 1 amended

*References inserted*

- (1) In Schedule 1, insert in their appropriate alphabetical order:
- |  |         |         |
|--|---------|---------|
| coronavirus disease 2019<br>(COVID-19) | 46/2020 | 47/2020 |
| pure red cell aplasia                  | 60/2020 | 61/2020 |

*References replaced*

- (2) In Schedule 1, item relating to aplastic anaemia,—
- replace “50/2012” with “58/2020”; and
  - replace “51/2012” with “59/2020”.
- (3) In Schedule 1, item relating to chloracne,—
- replace “17/2012” with “62/2020”; and
  - replace “18/2012” with “63/2020”.
- (4) In Schedule 1, item relating to chronic pancreatitis,—
- replace “104/2011” with “64/2020”; and
  - replace “105/2011” with “65/2020”.
- (5) In Schedule 1, item relating to diabetes mellitus,—
- replace “89/2011” with “48/2020”; and
  - replace “90/2011” with “49/2020”.
- (6) In Schedule 1, item relating to malignant neoplasm of bone and articular cartilage,—
- replace “106/2011” with “66/2020”; and
  - replace “107/2011” with “67/2020”.
- (7) In Schedule 1, item relating to non-aneurysmal aortic atherosclerotic disease,—
- replace “15/2012” with “52/2020”; and
  - replace “16/2012” with “53/2020”.
- (8) In Schedule 1, item relating to renal artery atherosclerotic disease,—
- replace “102/2011” with “56/2020”; and
  - replace “103/2011” with “57/2020”.

*References and names replaced*

- (9) In Schedule 1, replace the item relating to carotid arterial disease with:
- |                        |         |         |
|------------------------|---------|---------|
| carotid artery disease | 54/2020 | 55/2020 |
|------------------------|---------|---------|

- (10) In Schedule 1, replace the item relating to retinal vascular occlusive disease with:

retinal vascular occlusion	50/2020	51/2020
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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 March 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 2 new conditions. The new conditions are as follows:

- coronavirus disease 2019 (COVID-19);
- pure red cell aplasia (this has been split from aplastic anaemia as it is now considered a separate condition).

The amendments replace the names and references to the Australian statements of principles with new names and references for 2 conditions. The conditions with new names are as follows:

- carotid arterial disease (now known as carotid artery disease);
- retinal vascular occlusive disease (now known as retinal vascular occlusion).

The amendments also replace references to the Australian statements of principles with updated references for 7 conditions.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These regulations are administered by the New Zealand Defence Force.