

MINISTER FOR VETERANS

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

May 2024

This paper seeks authorisation for submission to the Executive Council of the Veterans' Support Amendment Regulations 2024 (the Amendment Regulations).

The pack comprises the following documents:

- March 2024 Cabinet Legislation Committee Minute of Decision: *Amendment to Veterans' Support Regulations 2014: Statements of Principles and Accepted Late-Onset Conditions* [LEG-24-MIN-0052];
- The associated Cabinet Paper: *Amendment to Veterans' Support Regulations 2014: Statements of Principles and Accepted Late-Onset Conditions*;
- Annex A to the Cabinet Paper: *List of Statements of Principles for Possible Application in New Zealand by amendment of Schedule 1 of the Veterans' Support Regulations 2014*; and
- Veterans' Support Amendment Regulations 2014 Order in Council.

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 and Accepted Late-Onset Conditions

Portfolio Veterans

On 28 March 2024, the Cabinet Legislation Committee:

- 1 **agreed** 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 22 Statements of Principles, the revocation without replacement of two Statements of Principles, and the introduction of six 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 the revision of the name of one accepted late-onset condition set out in Schedule 2A of the Veterans' Support Regulations 2014 in order to align it with the Statements of Principles from which it was derived, and the addition of one condition to that Schedule;
- 3 **noted** that the proposed changes are not expected to affect the overall Crown liability relating to veteran entitlements;
- 4 **noted** that in 2016, Cabinet 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];
- 5 **noted** that the proposed amendment of the Veterans' Support Regulations 2014 gives effect to the decisions referred to in paragraphs 1 and 2 above;
- 6 **noted** that the Veterans' Support Amendment Regulations 2024 come into force on 9 May 2024, thus complying with the 28-day rule;
- 7 **authorised** the submission to the Executive Council of the Veterans' Support Amendment Regulations 2024 [PCO 26025/2.0].

Rebecca Davies
Committee Secretary

Attendance: see over

Present:

Rt Hon Winston Peters
Hon Brooke van Velden
Hon Shane Jones
Hon Nicola Willis
Hon Chris Bishop (Chair)
Hon Dr Shane Reti
Hon Simeon Brown
Hon Erica Stanford
Hon Paul Goldsmith
Hon Judith Collins
Hon Nicole Mckee
Hon Casey Costello
Hon Penny Simmonds
Hon Simon Watts
Hon Chris Penk
Hon Scott Simpson, MP
Todd Stevenson, MP
Jamie Arbuckle, MP

Officials present from:

Office of the Leader of the House
Officials Committee for LEG

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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. This will assist Veterans Affairs in linking medical conditions with qualifying service for the purpose of entitlements.

Background

3. In deciding claims for entitlements Veterans' Affairs must assess whether a medical condition is linked to qualifying service. Statements of Principles are one of the mechanisms under the Act for establishing this link.
4. The Statements of Principles are determined by the Australian Government Repatriation Medical Authority (RMA). New Statements of Principles are introduced based on medical-scientific evidence linking the condition to service.
5. The Minister for Veterans Affairs must decide if any changes to the Statements of Principles should apply to New Zealand based on 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 unless a significant issue relating to the Statements of Principles revisions arises.
7. Accepted late-onset conditions is another mechanism for establishing a link between a veteran's service and their illness or injury and only applies to veterans whose qualifying operational service took place after 1 April 1974 (Scheme Two).
8. Its 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.
9. The original list of accepted late-onset conditions was based on identifying which conditions were covered by Statements of Principles and then, of those, which had one or more late-onset causative factors.

Proposed Regulatory Amendment to revise Statements of Principles

10. None of the changes to 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.
11. In July 2023 and September 2023, Australia repealed and replaced 22 Statements of Principles. Veterans' Affairs have advised that this is suitable for use in New Zealand. The Statements of Principles in question are listed in Annex A.
12. 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; and in two cases a change to the names of the conditions (*Hodgkin's lymphoma* has changed to *Hodgkin lymphoma* and *Paget's disease of bone* has changed to *Paget disease of bone*).

13. The revocations of the two Statements of Principles for *intervertebral disc prolapse* are recommended for application in New Zealand as their content has been largely absorbed into the new Statements of Principles for *cervical intervertebral disc prolapse* and *thoracolumbar intervertebral disc prolapse*, with revisions to causative factors and definitions.
14. Accepted late-onset conditions are derived from the Statements of Principles. The list of these conditions first came into force in December 2015. The Statements of Principles for *Hodgkin's lymphoma* have been renamed *Hodgkin lymphoma*. Consequential amendment is needed in the list of accepted late-onset conditions.
15. Alignment of names of accepted late-onset conditions 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.
16. An annual audit has been conducted by Veterans' Affairs of the newly introduced Statements of Principles adopted in New Zealand since January 2023, and those which are listed in this submission and which will be adopted if Cabinet agrees. The purpose of the audit was to assess whether any of the conditions these Statements of Principles cover meet the criteria set out in section 7 of the Act for accepted late-onset conditions. Of the eight conditions covered by 16 new Statements of Principles adopted in New Zealand since January 2023, one condition — *portal vein thrombosis* — is recommended to be added to the list.
17. *Portal vein thrombosis* can be related to specific exposures or events during qualifying operational service that could result in a diagnosis of a malignancy, or other physical or psychological disorder, ten years or more after the qualifying service that subsequently causes the death of the veteran.
18. Any changes to a Statement of Principles, through amendment, revocation (repeal) or new introduction, and to the name of an accepted late-onset condition, and the addition of new accepted late-onset conditions, will not impact on any entitlement or service that has previously been granted under the Act.

Timing and 28-day rule

19. It is intended that the Veterans' Support Amendment Regulations 2024 will come into force on 9 May 2024, thus complying with the 28-day rule.

Compliance

20. The proposed amendment to the Regulations to replace Schedules 1 and 2A complies with each of the following:
 - 20.1. the principles of the Treaty of Waitangi;
 - 20.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 20.3. the principles and guidelines set out in the Privacy Act 2020;
 - 20.4. the relevant international standards and obligations; and
 - 20.5. the Legislation Design and Advisory Committee Guidelines (2021) which are maintained by the Legislation Design and Advisory Committee.

21. In accordance with section 23 of the Act, before reaching my decision that the 22 Statements of Principles should be revoked and replaced, and six newly introduced Statements of Principles should be adopted, I received reports from Veterans' Affairs and independent advice from the Veterans' Health Advisory Panel. Both recommended the adoption of the proposed changes. I also received a report from Veterans' Affairs on the proposed addition of one condition (*portal vein thrombosis*) to Schedule 2A List of accepted late-onset conditions.

Regulations Review Committee

22. 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

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

Financial Implications

24. These changes are not expected to affect the overall Crown liability relating to veteran entitlements.

Impact Analysis

25. 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

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

Proactive Release

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

Consultation

28. The Treasury was consulted in the course of developing the policy and the amended Schedules 1 and 2A of the Regulations.

Recommendations

29. I recommend that the Cabinet Legislation Committee:
1. **Agree** that in accordance with section 23 of the Veterans' Support Act 2014, I have approved the revocation and replacement of 22 Statements of Principles, the revocation without replacement of two Statements of Principles, and the introduction of six new Statements of Principles relating to conditions that may be causally connected to a veteran's qualifying service.
 2. **Note** that I have approved revision of the name of one accepted late-onset condition set out in Schedule 2A of the Veterans' Support Regulations 2014 in order to align it with the Statements of Principles from which it was derived, and the addition of one condition to that Schedule.
 3. **Note** that the proposed changes are not expected to affect the overall Crown liability relating to veteran entitlements.

4. **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.
5. **Note** that the proposed amendment of the Veterans' Support Regulations 2014 gives effect to the decisions referred to in recommendations 1 and 2 above.
6. **Agree** that the Veterans' Support Amendment Regulations 2024 will come into force on 9 May 2024, thus complying with the 28-day rule.
7. **Authorise** the submission to the Executive Council of the Veterans' Support Amendment Regulations 2024.

Authorised for lodgement

Hon Chris Penk
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
cervical intervertebral disc prolapse	66/2023 NEW SOP	67/2023 NEW SOP
Charcot-Marie-Tooth disease	88/2023 Replacing 21/2015	89/2023 Replacing 22/2015
Hodgkin lymphoma	70/2023 Replacing 35/2014 Name has changed from Hodgkin's lymphoma	71/2023 Replacing 36/2014 Name has changed from Hodgkin's lymphoma
intervertebral disc prolapse	43/2016 Revoked without replacement	44/2016 Revoked without replacement
malignant neoplasm of the breast	84/2023 Replacing 96/2014	85/2023 Replacing 97/2014
malignant neoplasm of the lung	86/2023 Replacing 92/2014	87/2023 Replacing 93/2014
malignant neoplasm of the small intestine	80/2023 Replacing 1/2015	81/2023 Replacing 2/2015
malignant neoplasm of the stomach	74/2023 Replacing 58/2014	75/2023 Replacing 59/2014
Paget disease of bone	62/2023 Replacing 49/2015 Name has changed from Paget's disease of bone	63/2023 Replacing 50/2015 Name has changed from Paget's disease of bone

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
peripheral neuropathy	72/2023 Replacing 74/2014	73/2023 Replacing 75/2014
plantar fasciitis	82/2023 Replacing 51/2015	83/2023 Replacing 52/2015
pulmonary barotrauma	64/2023 Replacing 15/2015	65/2023 Replacing 16/2015
soft tissue sarcoma	76/2023 Replacing 5/2015	77/2023 Replacing 6/2015
tardive dyskinesia	78/2023 NEW SOP	79/2023 NEW SOP
thoracolumbar intervertebral disc prolapse	68/2023 NEW SOP	69/2023 NEW SOP

Veterans' Support Amendment Regulations 2024

Order in Council

At Wellington this day of 2024

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.

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Regulations

1 Title

These regulations are the Veterans' Support Amendment Regulations 2024.

2 Commencement

These regulations come into force on 9 May 2024.

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 Schedule 1 amended

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After the item relating to cerebrovascular accident, insert:

cervical intervertebral disc prolapse	66/2023	67/2023
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In the item relating to Charcot-Marie-Tooth disease,—

- (a) replace “21/2015” with “88/2023”; and
- (b) replace “22/2015” with “89/2023”.

Replace the item relating to Hodgkin’s lymphoma with:

Hodgkin lymphoma	70/2023	71/2023
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Revoke the item relating to intervertebral disc prolapse.

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

- (a) replace “96/2014” with “84/2023”; and
- (b) replace “97/2014” with “85/2023”.

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

- (a) replace “92/2014” with “86/2023”; and
- (b) replace “93/2014” with “87/2023”.

In the item relating to malignant neoplasm of the small intestine,—

- (a) replace “1/2015” with “80/2023”; and
- (b) replace “2/2015” with “81/2023”.

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

- (a) replace “58/2014” with “74/2023”; and
- (b) replace “59/2014” with “75/2023”.

Replace the item relating to Paget’s disease of bone with:

Paget disease of bone	62/2023	63/2023
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In the item relating to peripheral neuropathy,—

- (a) replace “74/2014” with “72/2023”; and
- (b) replace “75/2014” with “73/2023”.

In the item relating to plantar fasciitis,—

- (a) replace “51/2015” with “82/2023”; and
- (b) replace “52/2015” with “83/2023”.

In the item relating to pulmonary barotrauma,—

- (a) replace “15/2015” with “64/2023”; and
- (b) replace “16/2015” with “65/2023”.

In the item relating to soft tissue sarcoma,—

- (a) replace “5/2015” with “76/2023”; and
(b) replace “6/2015” with “77/2023”.

After the item relating to systemic sclerosis, insert:

tardive dyskinesia	78/2023	79/2023
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After the item relating to thoracic outlet syndrome, insert:

thoracolumbar intervertebral disc prolapse	68/2023	69/2023
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Schedule 2

Schedule 2A amended

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Replace the item relating to Hodgkin's lymphoma with:

Hodgkin lymphoma

After the item relating to porphyria cutanea tarda, insert:

portal vein thrombosis

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 9 May 2024, 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 specific medical conditions for the purposes of the Veterans' Support Act 2014 (the **Act**). The amendments—

- insert the names of 3 new conditions and references to statements related to those conditions:
- replace the names and references to statements of 2 conditions in order to reflect the updated statements:
- revoke the name and references to statements of intervertebral disc prolapse, as the content of the statements has been largely absorbed into the new statements of principles for cervical intervertebral disc prolapse and thoracolumbar intervertebral disc prolapse:
- replace references to certain 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—

- insert the name of 1 new condition and references to statements related to that condition:
- replace the name of 1 condition in order to reflect the updated statements.

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

These regulations are administered by the New Zealand Defence Force.