

MINISTER FOR VETERANS

Veterans' Support Amendment Regulations (No 2) 2024

June 2024

This paper seeks authorisation for the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 2) 2024.

The pack comprises the following documents:

- May 2024 Cabinet Legislation Committee Minute of Decision: *Veterans' Support Amendment Regulations (No 2) 2024* [LEG-24-MIN-0098];
- The associated Cabinet Paper: *Revisions 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 (No 2) 2024 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.

Veterans' Support Amendment Regulations (No 2) 2024

Portfolio **Veterans**

On 23 May 2024, 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 16 new Statements of Principles, the replacement of 20 Statements of Principles, and the repeal without replacement of six Statements of Principles relating to conditions that may be causally connected to a veteran's qualifying service;
- 2 **noted** that the Minister has approved revision of the names of three 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 previous government authorised the Minister for Veterans to issue drafting instructions to 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];
- 4 **noted** that the proposed amendment of the Veterans' Support Regulations 2014 gives effect to the decisions referred to in paragraphs 1 and 2 above;
- 5 **agreed** that the Veterans' Support Amendment Regulations (No 2) 2024 will come into force on 27 June 2024, thus complying with the 28-day rule;
- 6 **authorised** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 2) 2024 [PCO 26420/5.0].

Sam Moffett
Committee Secretary

Present: (see over)

Present:

Rt Hon Winston Peters
Hon Chris Bishop (Chair)
Hon Dr Shane Reti
Hon Paul Goldsmith
Hon Simeon Brown
Hon Tama Potaka
Hon Nicole McKee
Hon Casey Costello
Hon Simon Watts
Hon Andrew Bayly
Hon Chris Penk
Hon Penny Simmonds
Hon Andrew Hoggard
Jamie Arbuckle, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG
Office of the Leader of the House

Proactively Released by the Minister for Veterans

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

Proposal

1. This paper seeks agreement to the amendment of Schedules 1 and 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 the 16 new Statements of Principles, replacement of 20 Statements of Principles, and repeal without replacement of six Statements of Principles.
3. Schedule 2A lists accepted-late onset conditions that apply for the Act. Changes to the names of three conditions on the list are required in order to align them with the names 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 repeals 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.
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. This mechanism is applied only to veterans whose qualifying operational service took place after 1 April 1974 (Scheme Two). 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. 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 were covered by Statements of Principles 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 amend the names of three accepted late-onset conditions

12. In November 2023, January 2024 and March 2024, Australia repealed and replaced 20 Statements of Principles, repealed without replacement six Statements of Principles, and introduced 16 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 20 Statements of Principles, repeal without replacement of six Statements of Principles, and the introduction of 16 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. The Statements of Principles in question are listed in Annex A.
13. 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 *chemical burn*, *chronic exertional compartment syndrome of the lower leg*, *gluteal tendinopathy*, *medial tibial stress syndrome (shin splints)*, *myocarditis*, *pericarditis*, *radiation burn* and *trochanteric bursitis* have been introduced as medical-scientific evidence indicates that they can be linked to veterans' qualifying service.
14. The repeal of the six Statements of Principles for *horseshoe kidney*, *shin splints*, and *trochanteric bursitis* and *gluteal tendinopathy* are recommended for application in New Zealand. Latest medical-scientific evidence indicates that *horseshoe kidney* can no longer be deemed as being linked to a veteran's military service either on the basis of reasonable hypothesis or on the balance of probabilities. The SOPs for *trochanteric bursitis* and *gluteal tendinopathy* have been largely absorbed into separate SOPs for *gluteal tendinopathy* and for *trochanteric bursitis*. Similarly, the SOPs for *shin splints* have been separated into two new conditions of *chronic exertional compartment syndrome of the lower leg* and *medial tibial stress syndrome (shin splints)*.
15. None of the replacements, revocations 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.

16. Accepted late-onset conditions are derived from the Statements of Principles. The list of these conditions first came into force in December 2015. The names of the Statements of Principles for *external burn*, *hepatitis A*, and *malignant neoplasm of the testis and paratesticular tissues* have been changed to *heat-induced burn*, *hepatitis A infection*, and *malignant neoplasm of the testis and epididymis* respectively. Consequential amendments are needed in the list of accepted late-onset conditions.
17. Alignment of the 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.
18. Any changes to a Statement of Principles, through amendment, repeal or new introduction, and to the names of 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 (No 2) 2024 will come into force on 27 June 2024, thus complying with the 28-day rule.

Compliance

20. The proposed amendment to the Regulations to replace Schedule 1 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 20 Statements of Principles should be repealed and replaced, the six Statements of Principles should be repealed without replacement, and the 16 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, revocations, and introductions.

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. The repeal and replacements of the 16 new Statements of Principles, replacement of 20 Statements of Principles, and repeal without replacement of six Statements of

Principles; and name changes to three accepted late-onset conditions 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 Schedule 1 of the Regulations.

Recommendations

29. 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 16 new Statements of Principles, replacement of 20 Statements of Principles, and repeal without replacement of six 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 names of three 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 proposed amendment of the Veterans' Support Regulations 2014 gives effect to the decisions referred to in recommendations 1 and 2 above.
 5. **Agree** that the Veterans' Support Amendment Regulations (No 2) 2024 will come into force on 27 June 2024, thus complying with the 28-day rule.
 6. **Authorise** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 2) 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

Proactively Released by the Minister for Veterans

**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 myeloid leukaemia	21/2024 Replacing 71/2015	22/2024 Replacing 72/2015
anxiety disorder	100/2023 Replacing 102/2014	101/2023 Replacing 103/2014
chemical burn	3/2024 NEW SOP	4/2024 NEW SOP
chronic exertional compartment syndrome of the lower leg	98/2023 NEW SOP	99/2023 NEW SOP
depressive disorder	11/2024 Replacing 83/2015	12/2024 Replacing 84/2015
gluteal tendinopathy	94/2023 NEW SOP	95/2023 NEW SOP
hallux valgus	25/2024 Replacing 98/2015	26/2024 Replacing 99/2015
heat-induced burn	1/2024 Replacing 110/2015 Name has changed from "external burn"	2/2024 Replacing 111/2015 Name has changed from "external burn"
hepatitis A infection	9/2024 Replacing 63/2015 Name has changed from "hepatitis A"	10/2024 Replacing 64/2015 Name has changed from "hepatitis A"
horseshoe kidney	31/2024 Repeals without replacement 31/2015	31/2024 Repeals without replacement 32/2015

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
malignant neoplasm of the salivary gland	102/2023 Replacing 57/2015	103/2023 Replacing 58/2015
malignant neoplasm of the testis and epididymis	7/2024 Replacing 3/2015 Name has changed from "malignant neoplasm of the testis and paratesticular tissues"	8/2024 Replacing 4/2015 Name has changed from "malignant neoplasm of the testis and paratesticular tissues"
medial tibial stress syndrome (shin splints)	96/2023 NEW SOP	97/2023 NEW SOP
myocarditis	17/2024 NEW SOP	18/2024 NEW SOP
osteomyelitis	23/2024 Replacing 90/2014	24/2024 Replacing 91/2014
pericarditis	90/2023 NEW SOP	91/2023 NEW SOP
radiation burn	5/2024 NEW SOP	6/2024 NEW SOP
seborrheic keratosis	19/2024 Replacing 55/2015	20/2024 Replacing 56/2015
shin splints	9/2015 Repeal without replacement	10/2015 Repeal without replacement
trochanteric bursitis	92/2023 NEW SOP	93/2023 NEW SOP
trochanteric bursitis and gluteal tendinopathy	45/2015 Repeal without replacement	46/2015 Repeal without replacement

Veterans' Support Amendment Regulations (No 2) 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 (No 2) 2024.

2 Commencement

These regulations come into force on 27 June 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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In the item relating to acute myeloid leukaemia,—

- (a) replace “71/2015” with “21/2024”; and
- (b) replace “72/2015” with “22/2024”.

In the item relating to anxiety disorder,—

- (a) replace “102/2014” with “100/2023”; and
- (b) replace “103/2014” with “101/2023”.

After the item relating to Charcot-Marie-Tooth disease, insert:

chemical burn	3/2024	4/2024
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After the item relating to chondromalacia patella, insert:

chronic exertional compartment syndrome of the lower leg	98/2023	99/2023
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In the item relating to depressive disorder,—

- (a) replace “83/2015” with “11/2024”; and
- (b) replace “84/2015” with “12/2024”.

Revoke the item relating to external burn.

After the item relating to gingivitis, insert:

gluteal tendinopathy	94/2023	95/2023
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In the item relating to hallux valgus,—

- (a) replace “98/2015” with “25/2024”; and
- (b) replace “99/2015” with “26/2024”.

After the item relating to heart block, insert:

heat-induced burn	1/2024	2/2024
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Replace the item relating to hepatitis A with:

hepatitis A infection	9/2024	10/2024
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Revoke the item relating to horseshoe kidney.

In the item relating to malignant neoplasm of the salivary gland,—

- (a) replace “57/2015” with “102/2023”; and
- (b) replace “58/2015” with “103/2023”.

Replace the item relating to malignant neoplasm of the testis and paratesticular tissues with:

malignant neoplasm of the testis and epididymis	7/2024	8/2024
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After the item relating to mature B-cell lymphoid leukaemia and small lymphocytic lymphoma, insert:

medial tibial stress syndrome (shin splints)	96/2023	97/2023
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After the item relating to myeloma, insert:

myocarditis	17/2024	18/2024
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In the item relating to osteomyelitis,—

- (a) replace “90/2014” with “23/2024”; and
- (b) replace “91/2014” with “24/2024”.

After the item relating to patellar tendinopathy, insert:

pericarditis	90/2023	91/2023
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After the item relating to pure red cell aplasia, insert:

radiation burn	5/2024	6/2024
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In the item relating to seborrhoeic keratosis,—

- (a) replace “55/2015” with “19/2024”; and
- (b) replace “56/2015” with “20/2024”.

Revoke the item relating to shin splints.

After the item relating to trigger finger, insert:

trochanteric bursitis	92/2023	93/2023
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Revoke the item relating to trochanteric bursitis and gluteal tendinopathy.

Schedule 2

Schedule 2A amended

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Revoke the item relating to external burn.

After the item relating to heart block, insert:

heat-induced burn

Replace the item relating to hepatitis A with:

hepatitis A infection

Replace the item relating to malignant neoplasm of the testis and paratesticular tissues with:

malignant neoplasm of the testis and epididymis

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 27 June 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 8 new conditions and references to statements related to those conditions:
- replace the names and references to statements of 3 conditions in order to reflect the updated statements:
- revoke the names and references to statements of 3 conditions in order to reflect the updated statements:
- 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 replace the names of 3 conditions 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.