



# Cabinet Legislation Committee

## Minute of Decision

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### Veterans' Support Amendment Regulations (No 2) 2020

**Portfolio**                      **Veterans**

On 28 July 2020, the Cabinet Legislation Committee:

- 1        **noted** that in March 2016, the previous government authorised the Minister for Veterans to revise the Statements of Principles that assess veterans' claims to entitlements, to provide a fairer assessment of entitlements using updated medical and scientific advice [SOC-16-MIN-0018];
- 2        **noted** that in accordance with section 23 of the Veterans' Support Act 2014, the Minister for Veterans has approved the revocation of 36 Statements of Principles and their replacement with 38 Statements of Principles; the introduction of two new Statements of Principles; and the repeal of two Statements of Principles relating to conditions that may be causally connected to a veteran's qualifying service;
- 3        **noted** that the Veterans' Support Amendment Regulations (No 2) 2020 give effect to the decision referred to in paragraph 2;
- 4        **noted** that the Amendment Regulations come into force on 3 September 2020;
- 5        **authorised** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 2) 2020 [PCO 23031/4.0].

Charlotte Doyle  
Committee Secretary

**Present:**

Hon Chris Hipkins (Chair)  
Hon Andrew Little  
Hon David Parker  
Hon Stuart Nash  
Hon Damien O'Connor  
Hon Ron Mark  
Hon Tracey Martin  
Hon James Shaw  
Hon Julie Anne Genter  
Hon Eugenie Sage  
Michael Woodhouse MP (Senior Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG

Office of the Minister for Veterans

Chair, Cabinet Legislation 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 36 Statements of Principles, replacing them with 38 Statements of Principles, to introduce two new Statements of Principles, and to repeal two 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 and the two repeals 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 2019 and May 2020 Australia revoked 36 Statements of Principles, replacing them with 38 Statements of Principles, introduced two new Statements of Principles, and repealed two 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 clinical

onset factors in the two repealed Statements of Principles for *dysbaric osteonecrosis* have been absorbed into the two new Statement of Principles for the wider disease of *osteonecrosis*. 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 2) 2020 will come into force on 3 September 2020, 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 36 Statements of Principles should be revoked and replaced with 38 Statements of Principles, the two new Statements of Principles be introduced, and the two repeals be 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 319.

#### **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 Assessment 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 36 Statements of Principles and their replacement with 38 Statements of Principles; the introduction of two new Statements of Principles; and the repeal of two 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 come into force on 3 September 2020, thus complying with the 28-day rule.
  5. **Authorise** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 2) 2020.

Authorised for lodgement

Hon Ron Mark  
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
microscopic polyangiitis	90/2019 Replacing 13/2011	91/2019 Replacing 14/2011
malignant neoplasm of the renal pelvis and ureter	92/2019 Replacing 98/2011	93/2019 Replacing 99/2011
Ross River virus infection	94/2019 Replacing 90/2010	95/2019 Replacing 91/2010
acoustic neuroma	96/2019 Replacing 29/2011	97/2019 Replacing 30/2011
sensorineural hearing loss	98/2019 Replacing 5/2011	99/2019 Replacing 6/2011
subdural haematoma	100/2019 Replacing 33/2011	101/2019 Replacing 34/2011
Kaposi sarcoma	1/2020 Replacing 9/2011 Name has changed from Kaposi's sarcoma	2/2020 Replacing 10/2011 Name has changed from Kaposi's sarcoma
chronic multisymptom illness	3/2020 Replacing 55/2014	4/2020 Replacing 56/2014
acute pancreatitis	5/2020 Replacing 85/2011	6/2020 Replacing 86/2011

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
hypersensitivity pneumonitis	7/2020 Replacing 87/2011 Name has changed from "extrinsic allergic alveolitis".	8/2020 Replacing 88/2011 Name has changed from "extrinsic allergic alveolitis".
malignant neoplasm of the nasopharynx	9/2020 Replacing 25/2011	10/2020 Replacing 26/2011
multiple sclerosis	11/2020 Replacing 100/2011	12/2020 Replacing 101/2011
osteonecrosis	13/2020 NEW	14/2020 NEW
dysbaric osteonecrosis	17/2015 REPEALED	18/2015 REPEALED
patellar tendinopathy	21/2020 Replacing 114/2011	22/2020 Replacing 115/2011
gunshot injury	23/2020 Replacing 48/2012 Name has changed from "physical injury due to munitions discharge", now split into two SOPs.	24/2020 Replacing 49/2012 Name has changed from "physical injury due to munitions discharge", now split into two SOPs.
explosive blast injury	25/2020 Replacing 48/2012 Name has changed from "physical injury due to munitions discharge", now split into two SOPs.	26/2020 Replacing 49/2012 Name has changed from "physical injury due to munitions discharge", now split into two SOPs.
sprain and strain	27/2020 Replacing 94/2011	28/2020 Replacing 95/2011
coeliac disease	29/2020 Replacing 1/2011	30/2020 Replacing 2/2011

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
malignant neoplasm of the liver	31/2020 Replacing 21/2011	32/2020 Replacing 22/2011
polyarteritis nodosa	33/2020 Replacing 11/2011	34/2020 Replacing 12/2011

Proactively Released by the Minister for Veterans

# Veterans' Support Amendment Regulations (No 2) 2020

## Order in Council

At Wellington this                      day of                      2020

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 2) 2020.
- 2 Commencement**  
These regulations come into force on 3 September 2020.



### 3 Principal regulations

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

### 4 Schedule 1 amended

*Reference inserted*

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

osteonecrosis	13/2020	14/2020
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*References replaced*

- (2) In Schedule 1, item relating to acoustic neuroma,—
- (a) replace “29/2011” with “96/2019”; and
  - (b) replace “30/2011” with “97/2019”.
- (3) In Schedule 1, item relating to acute pancreatitis,—
- (a) replace “85/2011” with “5/2020”; and
  - (b) replace “86/2011” with “6/2020”.
- (4) In Schedule 1, item relating to chronic multisymptom illness,—
- (a) replace “55/2014” with “3/2020”; and
  - (b) replace “56/2014” with “4/2020”.
- (5) In Schedule 1, item relating to coeliac disease,—
- (a) replace “1/2011” with “29/2020”; and
  - (b) replace “2/2011” with “30/2020”.
- (6) In Schedule 1, item relating to malignant neoplasm of the liver,—
- (a) replace “21/2011” with “31/2020”; and
  - (b) replace “22/2011” with “32/2020”.
- (7) In Schedule 1, item relating to malignant neoplasm of the nasopharynx,—
- (a) replace “25/2011” with “9/2020”; and
  - (b) replace “26/2011” with “10/2020”.
- (8) In Schedule 1, item relating to malignant neoplasm of the renal pelvis and ureter,—
- (a) replace “98/2011” with “92/2019”; and
  - (b) replace “99/2011” with “93/2019”.
- (9) In Schedule 1, item relating to microscopic polyangiitis,—
- (a) replace “13/2011” with “90/2019”; and
  - (b) replace “14/2011” with “91/2019”.
- (10) In Schedule 1, item relating to multiple sclerosis,—
- (a) replace “100/2011” with “11/2020”; and

- (b) replace “101/2011” with “12/2020”.
- (11) In Schedule 1, item relating to patellar tendinopathy,—
- (a) replace “114/2011” with “21/2020”; and
- (b) replace “115/2011” with “22/2020”.
- (12) In Schedule 1, item relating to polyarteritis nodosa,—
- (a) replace “11/2011” with “33/2020”; and
- (b) replace “12/2011” with “34/2020”.
- (13) In Schedule 1, item relating to Ross River virus infection,—
- (a) replace “90/2010 ” with “94/2019”; and
- (b) replace “91/2010” with “95/2019”.
- (14) In Schedule 1, item relating to sensorineural hearing loss,—
- (a) replace “5/2011” with “98/2019”; and
- (b) replace “6/2011” with “99/2019”.
- (15) In Schedule 1, item relating to sprain and strain,—
- (a) replace “94/2011” with “27/2020”; and
- (b) replace “95/2011” with “28/2020”.
- (16) In Schedule 1, item relating to subdural haematoma,—
- (a) replace “33/2011” with “100/2019”; and
- (b) replace “34/2011” with “101/2019”.

*References and names replaced*

- (17) In Schedule 1, replace the item relating to Kaposi’s sarcoma with:

Kaposi sarcoma	1/2020	2/2020
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- (18) In Schedule 1,—

(a) revoke the item relating to extrinsic allergic alveolitis; and

(b) insert in its appropriate alphabetical order:

hypersensitivity pneumonitis	7/2020	8/2020
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- (19) In Schedule 1,—

(a) revoke the item relating to physical injury due to munitions discharge;  
and

(b) insert in their appropriate alphabetical order:

explosive blast injury	25/2020	26/2020
gunshot injury	23/2020	24/2020

*Reference revoked*

- (20) In Schedule 1, revoke the item relating to dysbaric osteonecrosis.

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 3 September 2020, 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 a reference to the Australian statements of principles for a new condition (osteonecrosis); and
- replace references to the Australian statements of principles with updated references for 15 conditions.

The amendments also replace the names and references to the Australian statements of principles with new names and references for 3 conditions. The following conditions have new names:

- Kaposi's sarcoma (now known as Kaposi sarcoma):
- extrinsic allergic alveolitis (now known as hypersensitivity pneumonitis):
- physical injury due to munitions discharge (now split into 2 conditions and known as explosive blast injury and gunshot injury).

The amendments also revoke a reference to the Australian statements of principles for the condition dysbaric osteonecrosis.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These regulations are administered by the New Zealand Defence Force.