



# Cabinet Legislation Committee

## Minute of Decision

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### Veterans' Support Amendment Regulations (No 4) 2019

**Portfolio**                      **Veterans**

On 3 December 2019, the Cabinet Legislation Committee:

- 1        **noted** that 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 [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 and replacement of 22 Statements of Principles relating to conditions that may be causally connected to a veteran's qualifying service, and that these are attached to the submission under LEG-19-SUB-0199;
- 3        **noted** that the amendment to 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 (No 4) 2019 [PCO 22443/4.0];
- 5        **noted** that the Regulations come into force on 9 January 2020.

Gerrard Carter  
Committee Secretary

**Present:**

Rt Hon Winston Peters  
Hon Chris Hipkins (Chair)  
Hon Stuart Nash  
Hon Iain Lees-Galloway  
Hon Kris Faafoi  
Hon Tracey Martin  
Hon Ron Mark  
Hon Julie Anne Genter  
Hon Eugenie Sage  
Michael Wood MP (Senior Government Whip)

**Officials present from:**

Officials Committee for LEG

**Hard-copy distribution:**

Minister for Veterans

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 and replace 22 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 sections 23 and 24 of the Act, I must decide if the Australian revocations and replacement 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 July and September 2019, Australia revoked and replaced 22 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 Statements of Principles will make it significantly harder or easier to link the 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, 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 4) 2019 will come into force on 9 January 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 22 Statements of Principles should be revoked and replaced, 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 Office**

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 decisions sought in this paper are exempt from the requirement to provide a Regulatory Impact Assessment as the relevant issues have no or only 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 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 and replacement of 22 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 9 January 2020, thus complying with the 28-day rule.

5. **Authorise** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 4) 2019.

Authorised for lodgement

Hon Ron Mark  
Minister for Veterans

**Annex:**

- A. List of Statements of Principles for Possible Adoption

Proactively Released by the Minister for Veterans

**LIST OF STATEMENTS OF PRINCIPLES FOR ADOPTION 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
schistosomiasis	61/2019 Replacing 86/2010	62/2019 Replacing 87/2010
strongyloidiasis	63/2019 Replacing 88/2010	64/2019 Replacing 89/2010
Irritable bowel syndrome	65/2019 Replacing 27/2011	66/2019 Replacing 28/2011
subarachnoid haemorrhage	67/2019 Replacing 67/2010	68/2019 Replacing 68/2010
renal stone disease	69/2019 Replacing 65/2010	70/2019 Replacing 66/2010
Morton metatarsalgia	77/2019 Replacing 92/2010 Name has changed from Morton's metatarsalgia	78/2019 Replacing 93/2010 Name has changed from Morton's metatarsalgia
varicocele	79/2019 Replacing 3/2011 Name has changed from varicocele	80/2019 Replacing 4/2011 Name has changed from varicocele
conductive hearing loss	81/2019 Replacing 7/2011	82/2019 Replacing 8/2011
malignant neoplasm of the bladder	83/2019 Replacing 96/2011	84/2019 Replacing 97/2011
obstructive and reflux nephropathy	85/2019 Replacing 31/2011	86/2019 Replacing 32/2011

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
anal fissure	87/2019 Replacing 73/2010	88/2019 Replacing 74/2010

Proactively Released by the Minister for Veterans

## Veterans' Support Amendment Regulations (No 4) 2019

Governor-General

### Order in Council

At Wellington this                      day of                      2019

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 4) 2019.
- 2 Commencement**  
These regulations come into force on 2 January 2020.



### 3 Principal regulations

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

### 4 Schedule 1 amended

*References replaced*

- (1) In Schedule 1, item relating to anal fissure,—
  - (a) replace “73/2010” with “87/2019”; and
  - (b) replace “74/2010” with “88/2019”.
- (2) In Schedule 1, item relating to conductive hearing loss,—
  - (a) replace “7/2011” with “81/2019”; and
  - (b) replace “8/2011” with “82/2019”.
- (3) In Schedule 1, item relating to irritable bowel syndrome,—
  - (a) replace “27/2011” with “65/2019”; and
  - (b) replace “28/2011” with “66/2019”.
- (4) In Schedule 1, item relating to malignant neoplasm of the bladder,—
  - (a) replace “96/2011” with “83/2019”; and
  - (b) replace “97/2011” with “84/2019”.
- (5) In Schedule 1, item relating to renal stone disease,—
  - (a) replace “65/2010” with “69/2019”; and
  - (b) replace “66/2010” with “70/2019”.
- (6) In Schedule 1, item relating to schistosomiasis,—
  - (a) replace “86/2010” with “61/2019”; and
  - (b) replace “87/2010” with “62/2019”.
- (7) In Schedule 1, item relating to strongyloidiasis,—
  - (a) replace “88/2010” with “63/2019”; and
  - (b) replace “89/2010” with “64/2019”.
- (8) In Schedule 1, item relating to subarachnoid haemorrhage,—
  - (a) replace “67/2010” with “67/2019”; and
  - (b) replace “68/2010” with “68/2019”.

*References and names replaced*

- (9) In Schedule 1, replace the item relating to Morton's metatarsalgia with:
 

Morton metatarsalgia	77/2019	78/2019
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- (10) In Schedule 1, replace the item relating to obstructive and reflux nephropathy with:
 

obstructive and reflux nephropathy	85/2019	86/2019
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(11) In Schedule 1, replace the item relating to varicocele with:

varicocoele	79/2019	80/2019
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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 2 January 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 replace references to the Australian statements of principles for 11 conditions with updated references. The amendments also change the names of 3 of those conditions as follows:

- Morton's metatarsalgia is now known as Morton metatarsalgia;
- obstructive and reflux nephropathy is changed to obstructive and reflux nephropathy (to correct a spelling error);
- varicocele is now known as varicocoele.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These regulations are administered by the New Zealand Defence Force.