



# 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.*

### Government Response: Petition 2017 137 of Murray Dennis Wardlaw

**Portfolio**                      **Veterans**

On 19 March 2019, the Cabinet Legislation Committee:

- 1        **noted** that on 17 December 2018, the Foreign Affairs, Defence and Trade Committee presented its report to the House entitled “Petition of Murray Dennis Wardlaw: Support Descendants of Vietnam Veterans Suffering from Blindness”;
- 2        **noted** that the Committee recommended that the government work with Veterans’ Affairs to better support the resilience of veterans, their partners or spouses, and their children;
- 3        **noted** that the submission of the Minister for Veterans and, in particular, his advice that the Committee’s recommendation is in line with work that has already been initiated to support veterans and their family members;
- 4        **approved** the government response, attached to under LEG-10-SUB-0028, to the report of the Foreign Affairs, Defence and Trade Committee report entitled “Petition of Murray Dennis Wardlaw: Support Descendants of Vietnam Veterans Suffering from Blindness”;
- 5        **noted** that the government response must be presented to the House by 9 April 2019;
- 6        **invited** the Minister for Veterans to present the government response to the House in accordance with Standing Order 252;
- 7        **invited** the Minister for Veterans to write to the petitioner enclosing a copy of the Government response to the report of the Foreign Affairs, Defence and Trade Committee on the petition, after the response has been presented to the House.

Vivien Meek  
Committee Secretary

**Hard-copy distribution (see over)**

**Present:**

Rt Hon Winston Peters  
Hon Chris Hipkins (Chair)  
Hon David Parker  
Hon Stuart Nash  
Hon Iain Lees-Galloway  
Hon Tracey Martin  
Hon Kris Faafoi  
Hon Aupito William Sio  
Hon Eugenie Sage  
Hon Ruth Dyson (Senior Government Whip)

**Officials present from:**

Officials Committee for LEG

**Hard-copy distribution:**

Minister for Veterans

Proactively Released by the Minister for Veterans

Chair  
Cabinet Legislation Committee

**GOVERNMENT RESPONSE TO THE REPORT OF THE FOREIGN AFFAIRS,  
DEFENCE AND TRADE COMMITTEE ON PETITION 2017/137 OF MURRAY  
DENNIS WARDLAW**

**Proposal**

1. This paper seeks approval of the Government's response to the Foreign Affairs, Defence and Trade Committee report on the petition of Murray Dennis Wardlaw.

**Background**

2. The petition, presented to the House on 18 May 2018, requested:

That the House of Representatives recommend that the Government consider adding blindness, total or partial, to the list of accepted conditions of the Memorandum of Understanding for Vietnam veterans' children and/or grandchildren.

3. In 2006, the Crown signed a memorandum of understanding with the ex-Vietnam Veterans' Association and the Royal New Zealand Returned and Services' Association. This provided for ex-gratia payments to veterans and their natural children who had been diagnosed with, or died from, specified conditions associated with exposure to the Agent Orange defoliant. The list of specified conditions does not include blindness.
4. The petitioner, who had served in Vietnam where he was exposed to areas which had been sprayed with Agent Orange, has two daughters, both of whom were born with a defect in their right eye. Neither he nor his wife has this condition. His petition requested that partial or total blindness be added to the list of conditions for which children of Vietnam veterans could receive ex-gratia payments.
5. The evidence which the Committee heard from Veterans' Affairs stated that there is no scientific basis for adding blindness to the list of specified conditions that have resulted from veterans' exposure to Agent Orange.

**The Finding of the Foreign Affairs, Defence and Trade Committee**

6. In its report presented to the House on 17 December 2018, the Committee recognised the impacts of secondary traumatisation on those who served in the Vietnam War, and accordingly they recommended that the Government work

with Veterans' Affairs to better support the resilience of veterans, their partners or spouses, and their children.

### **Comment**

7. The Government welcomes the Committee's report and notes that its recommendation is in line with work that has already been initiated to support veterans and their family members.
8. A review of the operation of the current legislation relating to veterans (the Veterans' Support Act 2014) commenced in mid-2017. The report resulting from this review, which was conducted by Professor Ron Paterson, was presented to the House in May 2018. It made 64 wide-ranging recommendations, directed towards putting veterans first.
9. Several of the recommendations relate to extending the support currently available for veterans to members of their families. This would recognise the impact of deployments on families, and the sacrifices families often need to make to support veterans during their careers and following transition to civilian life.
10. Veterans' Affairs is already actioning a number of the recommendations where this can be done within the current legislative framework and available resources. **s. 9(2)(f)(iv)**
11. The Veterans' Advisory Board has been directed to consider one of the review's recommendations, namely the issue of who should be considered a veteran, and how New Zealand should recognise their service. The Board is due to deliver its report to the Minister for Veterans by 30 June 2019.

### **Timing of the Government Response**

12. The Government response must be presented to the House by 9 April 2019.

### **Consultation**

13. The matter covered by the recommendation relates to the Government's work with Veterans' Affairs, which is a business unit of the New Zealand Defence Force. Veterans' Affairs and the New Zealand Defence Force have jointly prepared the Government's response.

### **Financial Implications**

14. The work programme arising from the Government's decision to address the recommendations of the Paterson report aligns with the recommendation of the Foreign Affairs, Defence and Trade Committee and its call to better support the resilience of veterans and their families.

15. There would be costs involved with implementing many of the Paterson recommendations as they involve setting in place a new legislative framework and associated infrastructure, and extending the services available to veterans and to members of their families. s. 9(2)(f)(iv)

### Publicity

16. There are no statutory publicity requirements and no specific publicity is planned about the Government's response to this petition.

### Proactive Release

17. This paper will be proactively released within the required timeframe, as mandated in CO Circular 18(4), taking into account any requirements to withhold information under the Official Information Act, and provided that the Government's response to the petition has been made to the House. Should the response not have been made to the House within 30 days of a decision being made on this matter by Cabinet, the paper will be proactively released as soon as that action has been completed.

### Recommendations

18. It is recommended that the Cabinet Legislation Committee:
  1. **Notes** that on 17 December 2018 the Foreign Affairs, Defence and Trade Committee presented its report to the House entitled "Petition of Murray Dennis Wardlaw: Support Descendants of Vietnam Veterans Suffering from Blindness".
  2. **Notes** that the Committee recommended that the Government work with Veterans' Affairs to better support the resilience of veterans, their partners or spouses, and their children.
  3. **Notes** the submission of the Minister for Veterans and, in particular, his advice that the Committee's recommendation is in line with work that has already been initiated to support veterans and their family members.
  4. **Approves** the Government response, attached to this submission, to the report of the Foreign Affairs, Defence and Trade Committee report entitled "Petition of Murray Dennis Wardlaw: Support Descendants of Vietnam Veterans Suffering from Blindness".
  5. **Notes** that the Government response must be presented to the House by 9 April 2019.
  6. **Invites** the Minister for Veterans to present the Government response to the House in accordance with Standing Order 252.

7. **Invites** the Minister for Veterans to write to the petitioner enclosing a copy of the Government response to the report of the Foreign Affairs, Defence and Trade Committee on the petition, after the response has been presented to the House.

Authorised for lodgement

Hon Ron Mark  
Minister for Veterans

Proactively Released by the Minister for Veterans

**Government Response to  
Report of the Foreign Affairs, Defence and Trade Committee  
on**

**Petition of Murray Dennis Wardlaw: Support Descendants of Vietnam Veterans  
Suffering from Blindness**

**Presented to the House of Representatives  
In Accordance With Standing Order 252**

*Proactively Released by the Minister for Veterans*

## Government Response to Report of the Foreign Affairs, Defence and Trade Committee on 17 December 2018

### Introduction

1. The Government has carefully considered the Committee's report on Petition 2017/137 of Murray Dennis Wardlaw, calling for support for descendants of Vietnam veterans suffering from blindness.
2. The Government welcomes the Committee's report and notes that its recommendation is in line with work which has already been initiated to support veterans and their family members.
3. The Government responds to the report in accordance with Standing Order 252.

### Recommendation and Government Response

4. The Committee recommends:

That the Government work with Veterans' Affairs to better support the resilience of veterans, their partners or spouses, and their families.

5. A review of the operation of the current legislation relating to veterans (the Veterans' Support Act 2014) commenced in mid-2017, and the resulting report was presented to the House in May 2018. It made 64 wide-ranging recommendations, directed towards putting veterans first, and enabling Veterans' Affairs to offer seamless support to veterans and to extend its support to meet the needs of their family members.
6. Veterans' Affairs is already actioning a number of the review's recommendations where this can be done within the current legislative framework and available resources. The Government is also considering those recommendations of the Paterson Report that would require additional resources, and also a revision of the Veterans' Support Act 2014 to increase its flexibility and to enable support to be extended to members of the families of veterans.

### Conclusion

7. The Government supports the recommendation made by the Foreign Affairs, Defence and Trade Committee, and action on this matter is already underway.