

MINISTER FOR VETERANS

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

September 2023

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. In accordance with section 23 of the Act the Minister for Veterans has approved the revocation and replacement of 46 Statements of Principles, the revocation without replacement of four 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.

This paper seeks authorisation for submission to the Executive Council of the Veterans' Support Amendment Regulations (No 2) 2023, which amends Schedules 1 and 2A of the Veterans' Support Regulations 2014 to give effect to the decisions above.

The pack comprises the following documents:

- July 2023 Cabinet Legislation Committee Minute of Decision *Amendment to Veterans' Support Regulations 2014: Statements of Principles and Accepted Late-Onset Conditions* [LEG-23-MIN-0115]; and
- The associated Cabinet Paper *Amendment to Veterans' Support Regulations 2014: Statements of Principles and Accepted Late-Onset Conditions*.

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 20 July 2023, the Cabinet Legislation Committee:

- 1 **noted** that in accordance with section 23 of the Veterans' Support Act 2014 the Minister for Veterans has approved the revocation and replacement of 46 Statements of Principles, the revocation without replacement of four 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 for Veterans has approved revision of the names of seven 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 in March 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 [SOC-16-MIN-0018];
- 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) 2023 will come into force on 24 August 2023, thus complying with the 28-day rule;
- 6 **authorised** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 2) 2023 [PCO 25596/5.0];
- 7 **noted** that the Veterans' Support Amendment Regulations (No 2) 2023 come into force on 24 August 2023.

Rebecca Davies
Committee Secretary

Attendance: see over

Present:

Hon Grant Robertson (Chair)
Hon Andrew Little
Hon Kiri Allan
Hon David Parker
Hon Peeni Henare
Hon Kieran McAnulty
Hon Barbara Edmonds
Hon Dr Duncan Webb
Hon Dr Deborah Russell
Tangi Utikere, MP (Chief Government Whip)

Officials present from:

Office of the Prime Minister
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 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 revoke 46 Statements of Principles, replacing them with 46 Statements of Principles, revoke without replacement four Statements of Principles, and to introduce six new Statements of Principles.
3. Schedule 2A lists accepted-late onset conditions that apply for the Act. Changes to the names of seven 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 revocations 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 seven accepted late-onset conditions

12. In February and April 2023 Australia repealed and replaced 46 Statements of Principles, revoked without replacement four Statements of Principles, and introduced six 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 46 Statements of Principles, revocation without replacement of four Statements of Principles, and the introduction of six 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 *plantar fibromatosis*, *thoracolumbar spondylosis*, and *retinal burn*, have been introduced as medical-scientific evidence indicates that they can be linked to veterans' qualifying service.
14. The revocations of the four Statements of Principles for *lumbar spondylosis* and *thoracic spondylosis* are recommended for application in New Zealand as their content has been largely absorbed into the new SOPs for *thoracolumbar spondylosis*, with revisions to causative factors and definitions.
15. None of the replacement, 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 *decompression sickness*, *Gaucher's disease*, *Huntington's chorea*, *herpes zoster*, *vascular dementia*, *von Willebrand's disease*, and *Wilson's disease* have been changed to *decompression illness*, *Gaucher disease*, *Huntington disease*, *shingles and postherpetic neuralgia*, *vascular neurocognitive disorder*, *von*

Willebrand disease, and *Wilson disease* 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, revocation (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) 2023 will come into force on 24 August 2023, 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 46 Statements of Principles should be revoked and replaced, the four Statements of Principles should be revoked without replacement, and the six 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 changes to the Statements of Principles, revocations of four Statements of Principles, and the addition of the six new Statements of Principles for *plantar fibromatosis*, *thoracolumbar spondylosis*, and *retinal burn*; and name changes to seven 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 revocation and replacement of 46 Statements of Principles, the revocation without replacement of four 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 names of seven 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) 2023 will come into force on 24 August 2023, thus complying with the 28-day rule.
 6. **Authorise** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 2) 2023.

Authorised for lodgement

Hon Peeni Henare
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.

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**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
albinism	31/2023 Replacing 19/2015	32/2023 Replacing 20/2015
alpha-1 antitrypsin deficiency	33/2023 Replacing 29/2015	34/2023 Replacing 30/2015
autosomal dominant polycystic kidney disease	35/2023 Replacing 39/2015	36/2023 Replacing 40/2015
cervical spondylosis	11/2023 Replacing 66/2014	12/2023 Replacing 67/2014
chickenpox	29/2023 Replacing 87/2015	30/2023 Replacing 88/2015
chronic myeloid leukaemia	57/2023 Replacing 47/2014	58/2023 Replacing 48/2014
chronic obstructive pulmonary disease	17/2023 Replacing 37/2014	18/2023 Replacing 38/2014
decompression illness	23/2023 Replacing 13/2015 Name has changed from decompression sickness	24/2023 Replacing 14/2015 Name has changed from decompression sickness
Gaucher disease	37/2023 Replacing 27/2015 Name has changed from Gaucher's disease	38/2023 Replacing 28/2015 Name has changed from Gaucher's disease

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
haemophilia	39/2023 Replacing 23/2015	40/2023 Replacing 24/2015
hereditary spherocytosis	41/2023 Replacing 67/2015	42/2023 Replacing 68/2015
Huntington disease	49/2023 Replacing 37/2015 Name has changed from Huntington's chorea	50/2023 Replacing 38/2015 Name has changed from Huntington's chorea
lumbar spondylosis	62/2014 Revoked without replacement	63/2014 Revoked without replacement
Marfan syndrome	51/2023 Replacing 25/2015	52/2023 Replacing 26/2015
melioidosis	55/2023 Replacing 60/2014	56/2023 Replacing 61/2014
mitral valve prolapse	15/2023 Replacing 43/2014	16/2023 Replacing 44/2014
multiple osteochondromatosis	43/2023 Replacing 43/2015	44/2023 Replacing 44/2015
osteogenesis imperfecta	53/2023 Replacing 35/2015	54/2023 Replacing 36/2015
periodic limb movement disorder	19/2023 Replacing 26/2014	20/2023 Replacing 27/2014
plantar fibromatosis	21/2023 NEW SOP	22/2023 NEW SOP
retinal burn	25/2023 NEW SOP	26/2023 NEW SOP
shingles and postherpetic neuralgia	27/2023 Replacing 47/2015 Name has changed from herpes zoster	28/2023 Replacing 48/2015 Name has changed from herpes zoster

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
thoracic spondylosis	64/2014 Revoked without replacement	65/2014 Revoked without replacement
thoracolumbar spondylosis	13/2023 NEW SOP	14/2023 NEW SOP
vascular neurocognitive disorder	9/2023 Replacing 78/2014 Name has changed from vascular dementia	10/2023 Replacing 79/2014 Name has changed from vascular dementia
von Willebrand disease	45/2023 Replacing 41/2015 Name has changed from von Willebrand's disease	46/2023 Replacing 42/2015 Name has changed from von Willebrand's disease
warts	7/2023 Replacing 70/2014	8/2023 Replacing 71/2014
Wilson disease	47/2023 Replacing 33/2015 Name has changed from Wilson's disease	48/2023 Replacing 34/2015 Name has changed from Wilson's disease

Veterans' Support Amendment Regulations (No 2) 2023

Order in Council

At Wellington this day of 2023

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) 2023.

2 Commencement

These regulations come into force on 24 August 2023.

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 albinism,—

- (a) replace “19/2015” with “31/2023”; and
- (b) replace “20/2015” with “32/2023”.

In the item relating to alpha-1 antitrypsin deficiency,—

- (a) replace “29/2015” with “33/2023”; and
- (b) replace “30/2015” with “34/2023”.

In the item relating to autosomal dominant polycystic kidney disease,—

- (a) replace “39/2015” with “35/2023”; and
- (b) replace “40/2015” with “36/2023”.

In the item relating to cervical spondylosis,—

- (a) replace “66/2014” with “11/2023”; and
- (b) replace “67/2014” with “12/2023”.

In the item relating to chickenpox,—

- (a) replace “87/2015” with “29/2023”; and
- (b) replace “88/2015” with “30/2023”.

In the item relating to chronic myeloid leukaemia,—

- (a) replace “47/2014” with “57/2023”; and
- (b) replace “48/2014” with “58/2023”.

In the item relating to chronic obstructive pulmonary disease,—

- (a) replace “37/2014” with “17/2023”; and
- (b) replace “38/2014” with “18/2023”.

Replace the item relating to decompression sickness with:

decompression illness	23/2023	24/2023
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Replace the item relating to Gaucher’s disease with:

Gaucher disease	37/2023	38/2023
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In the item relating to haemophilia,—

- (a) replace “23/2015” with “39/2023”; and
- (b) replace “24/2015” with “40/2023”.

In the item relating to hereditary spherocytosis,—

- (a) replace “67/2015” with “41/2023”; and
- (b) replace “68/2015” with “42/2023”.

Revoke the item relating to herpes zoster.

Replace the item relating to Huntington's chorea with:

Huntington disease	49/2023	50/2023
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Revoke the item relating to lumbar spondylosis.

In the item relating to Marfan syndrome,—

- (a) replace "25/2015" with "51/2023"; and
- (b) replace "26/2015" with "52/2023".

In the item relating to melioidosis,—

- (a) replace "60/2014" with "55/2023"; and
- (b) replace "61/2014" with "56/2023".

In the item relating to mitral valve prolapse,—

- (a) replace "43/2014" with "15/2023"; and
- (b) replace "44/2014" with "16/2023".

In the item relating to multiple osteochondromatosis,—

- (a) replace "43/2015" with "43/2023"; and
- (b) replace "44/2015" with "44/2023".

In the item relating to osteogenesis imperfecta,—

- (a) replace "35/2015" with "53/2023"; and
- (b) replace "36/2015" with "54/2023".

In the item relating to periodic limb movement disorder,—

- (a) replace "26/2014" with "19/2023"; and
- (b) replace "27/2014" with "20/2023".

After the item relating to plantar fasciitis, insert:

plantar fibromatosis	21/2023	22/2023
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After the item relating to restless legs syndrome, insert:

retinal burn	25/2023	26/2023
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After the item relating to shin splints, insert:

shingles and postherpetic neuralgia	27/2023	28/2023
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After the item relating to thoracic outlet syndrome, insert:

thoracolumbar spondylosis	13/2023	14/2023
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Revoke the item relating to thoracic spondylosis.

Replace the item relating to vascular dementia with:

vascular neurocognitive disorder	9/2023	10/2023
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Replace the item relating to von Willebrand's disease with:

von Willebrand disease	45/2023	46/2023
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In the item relating to warts,—

- (a) replace “70/2014” with “7/2023”; and
(b) replace “71/2014” with “8/2023”.

Replace the item relating to Wilson’s disease with:

Wilson disease	47/2023	48/2023
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Schedule 2

Schedule 2A amended

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Revoke the items relating to decompression sickness, Gaucher's disease, herpes zoster, Huntington's chorea, vascular dementia, von Willebrand's disease, and Wilson's disease.

Insert in their appropriate alphabetical order:

decompression illness
Gaucher disease
Huntington disease
shingles and postherpetic neuralgia
vascular neurocognitive disorder
von Willebrand disease
Wilson disease

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 24 August 2023, 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 of 7 conditions in order to reflect the statements:
- revoke references to lumbar spondylosis and thoracic spondylosis, as, under the statements, these conditions have been merged into 1 new condition:
- 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 7 accepted late-onset conditions to align them with the names listed in Schedule 1.

Veterans' Support Amendment Regulations (No 2) 2023

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*:

These regulations are administered by the New Zealand Defence Force.

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