

## **MINISTER FOR VETERANS**

### **Veterans' Support Amendment Regulations (No 3) 2024**

November 2024

This paper seeks agreement for submission to the Executive Council of the Veterans' Support Amendment Regulations (No 3) 2024.

The pack comprises the following documents:

- September 2024 Cabinet Legislation Committee Minute of Decision: *Veterans' Support Amendment Regulations (No 3) 2024* [LEG-24-MIN-0201];
- The associated Cabinet Paper: *Amendment 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 3) 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](http://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

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### Veterans' Support Amendment Regulations (No 3) 2024

**Portfolio**                      **Veterans**

On 26 September 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 the revocation and replacement of 22 Statements of Principles, the revocation without replacement of two Statements of Principles, and the introduction of four new 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 two accepted late-onset conditions set out in Schedule 2A of the Veterans' Support Regulations 2014, to align them with the Statements of Principles from which they were derived;
- 3        **noted** that the changes are not expected to affect the overall Crown liability relating to veteran entitlements;
- 4        **noted** that the Veterans' Support Amendment Regulations (No 3) 2024 (the Amendment Regulations) give effect to the decisions above;
- 5        **noted** that, in April 2016, the then Cabinet Social Policy Committee authorised the Minister of Veterans' Affairs to instruct the Parliamentary Counsel Office to draft regulations amending 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];
- 6        **noted** that the Amendment Regulations will come into force on 31 October 2024;
- 7        **authorised** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 3) 2024 [PCO 26597/3.0].

Tom Kelly  
Committee Secretary

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**Attendance: (See over)**

**Present:**

Hon Simeon Brown (Chair)  
Hon Shane Jones  
Hon Brooke van Velden  
Hon Paul Goldsmith  
Hon Mark Mitchell  
Hon Tama Potaka  
Hon Nicole McKee  
Hon Casey Costello  
Hon Simon Watts  
Hon Chris Penk  
Hon Andrew Bayly  
Hon Scott Simpson, MP  
Todd Stephenson, MP

**Officials present from:**

Officials Committee for LEG  
Prime Minister's Office

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Office of the Minister for Veterans

Chair, Cabinet Legislation Committee

## **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) through submitting to the Executive Council the Veterans' Support Amendment Regulations (No3) 2024.
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 and replace 22 Statements of Principles, revoke without replacement two Statements of Principles, and to introduce four new Statements of Principles.
3. Schedule 2A lists accepted late-onset conditions that apply for the Act. Changes to the names of two 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 10 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 two accepted late-onset conditions**

12. In April and June 2024, Australia revoked and replaced 22 Statements of Principles, revoked without replacement two Statements of Principles, and introduced four 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 22 Statements of Principles, revocation without replacement of two Statements of Principles, and the introduction of four 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 four new Statements of Principles for the conditions of *duodenal ulcer and duodenal erosion* and *gastric ulcer and gastric erosion* have been introduced as medical-scientific evidence indicates that they can be linked to veterans' qualifying service.

14. The revocations of the two Statements of Principles for *gastric ulcer and duodenal ulcer* are recommended for application in New Zealand. The SOPs for *gastric ulcer and duodenal ulcer* have been separated into two new conditions of *duodenal ulcer and duodenal erosion* and *gastric ulcer and gastric erosion*.

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 *cerebrovascular accident* and *hepatitis E* have been changed to *cerebrovascular accident (stroke)* and *hepatitis E infection* 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 3) 2024 will come into force on 31 October 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 22 Statements of Principles should be revoked and replaced, the two Statements of Principles should be revoked without replacement, and the four 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 22 Statements of Principles, revocations without replacement of two Statements of Principles, the addition of the four new Statements of Principles, and name changes to two 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 22 Statements of Principles, the revocation without replacement of two Statements of Principles, and the introduction of four 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 two 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 the changes are not expected to affect the overall Crown liability relating to veteran entitlements.
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. **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.

6. **Agree** that the Veterans' Support Amendment Regulations (No 3) 2024 will come into force on 31 October 2024, thus complying with the 28-day rule.
7. **Authorise** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 3) 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

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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
cardiomyopathy	57/2024 Replacing 85/2015	58/2024 Replacing 86/2015
cerebrovascular accident (stroke)	45/2024 Replacing 65/2015 Name has changed from "cerebrovascular accident"	46/2024 Replacing 66/2015 Name has changed from "cerebrovascular accident"
duodenal ulcer and duodenal erosion	49/2024 NEW SOP	50/2024 NEW SOP
gastric ulcer and duodenal ulcer	61/2015 Revoked without replacement	62/2015 Revoked without replacement
gastric ulcer and gastric erosion	51/2024 NEW SOP	52/2024 NEW SOP
hepatitis E infection	39/2024 Replacing 112/2015 Name has changed from "hepatitis E"	40/2024 Replacing 113/2015 Name has changed from "hepatitis E"
malignant melanoma of the skin	34/2024 Replacing 102/2015	35/2024 Replacing 103/2015
malignant neoplasm of the bile duct	53/2024 Replacing 69/2015	54/2024 Replacing 70/2015

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
malignant neoplasm of the gallbladder	36/2024 Replacing 89/2015	37/2024 Replacing 90/2015
mesothelioma	41/2024 Replacing 104/2015	42/2024 Replacing 105/2015
myasthenia gravis	32/2024 Replacing 75/2015	33/2024 Replacing 76/2015
tinea	55/2024 Replacing 11/2015	56/2024 Replacing 12/2015
traumatic contusion or haematoma	43/2024 Replacing 5/2016 Name has changed from "external bruise"	44/2024 Replacing 6/2016 Name has changed from "external bruise"
tuberculosis	47/2024 Replacing 81/2015	48/2024 Replacing 82/2015

# Veterans' Support Amendment Regulations (No 3) 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 3) 2024.

**2 Commencement**

These regulations come into force on 31 October 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 cardiomyopathy,—

- (a) replace “85/2015” with “57/2024”; and
- (b) replace “86/2015” with “58/2024”.

Replace the item relating to cerebrovascular accident with:

cerebrovascular accident (stroke)	45/2024	46/2024
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After the item relating to diverticular disease of the colon, insert:

duodenal ulcer and duodenal erosion	49/2024	50/2024
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Revoke the item relating to external bruise.

After the item relating to ganglion, insert:

gastric ulcer and gastric erosion	51/2024	52/2024
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Revoke the item relating to gastric ulcer and duodenal ulcer.

Replace the item relating to hepatitis E with:

hepatitis E infection	39/2024	40/2024
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In the item relating to malignant melanoma of the skin,—

- (a) replace “102/2015” with “34/2024”; and
- (b) replace “103/2015” with “35/2024”.

In the item relating to malignant neoplasm of the bile duct,—

- (a) replace “69/2015” with “53/2024”; and
- (b) replace “70/2015” with “54/2024”.

In the item relating to malignant neoplasm of the gallbladder,—

- (a) replace “89/2015” with “36/2024”; and
- (b) replace “90/2015” with “37/2024”.

In the item relating to mesothelioma,—

- (a) replace “104/2015” with “41/2024”; and
- (b) replace “105/2015” with “42/2024”.

In the item relating to myasthenia gravis,—

- (a) replace “75/2015” with “32/2024”; and
- (b) replace “76/2015” with “33/2024”.

In the item relating to tinea,—

- (a) replace “11/2015” with “55/2024”; and
- (b) replace “12/2015” with “56/2024”.

After the item relating to transverse myelitis, insert:

traumatic contusion or haematoma	43/2024	44/2024
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In the item relating to tuberculosis,—

- (a) replace “81/2015” with “47/2024”; and
- (b) replace “82/2015” with “48/2024”.

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## Schedule 2

### Schedule 2A amended

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Replace the item relating to cerebrovascular accident with:

cerebrovascular accident (stroke)

Replace the item relating to hepatitis E with:

hepatitis E infection

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 31 October 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—

- revoke the name and reference to the statement of 1 condition (gastric ulcer and duodenal ulcer) and insert the names of 2 new conditions (duodenal ulcer and duodenal erosion and gastric ulcer and gastric erosion) and references to statements related to those conditions:
- replace the names and references to statements of 3 conditions (cerebrovascular accident (stroke), hepatitis E infection, and traumatic contusion or haematoma) to reflect the updated statements:
- replace references to statements of the following conditions with updated references:
  - cardiomyopathy:
  - malignant melanoma of the skin:
  - malignant neoplasm of the bile duct:
  - malignant neoplasm of the gallbladder:
  - mesothelioma:
  - myasthenia gravis:
  - tinea:
  - tuberculosis.

*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 2 conditions to reflect the updated statements.

The statements are legislative instruments determined by the Australian Repatriation Medical Authority under an Australian Act of Parliament, the Veterans' Entitlements Act 1986. Further information about the statements, as well as a link to the statements, can be found at <https://www.veteransaffairs.mil.nz/for-clients/how-we-make-decisions/conditions-we-cover/statements-of-principles/>.

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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