



Cabinet Legislation Committee

Minute of Decision

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Statements of Principles Amendment to Veterans Support Regulations 2014

Portfolio

Veterans

- 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 30 Statements of Principles relating to conditions that may be causally connected to a veteran's qualifying service.
- 2 **noted** that in 2016, 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 without further reference to the then Cabinet Social Policy Committee [SOC-16-MIN-0018];
- 3 **noted** that the amendment of the Veterans' Support Regulations 2014 gives effect to the decision referred to in paragraph 1 above;
- 4 **noted** that the amended regulations come into force on 9 May 2019, thus complying with the 28-day rule;
- 5 **authorised** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 2) 2019 [PCO 22006/10.0].

Vivien Meek
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Phil Twyford
Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon David Parker
Hon Iain Lees-Galloway
Hon Ron Mark
Hon Tracey Martin (part item)
Hon Shane Jones
Hon Eugenie Sage
Hon Ruth Dyson (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 30 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 and regularly reviewed and amended. New Statements of Principles are introduced based on medical-scientific evidence linking the condition to service.
4. 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 replacement Statements of Principles should apply in New Zealand based upon advice from Veterans' Affairs and the independent Veterans' Health Advisory Panel.
5. 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

6. Between September 2018 and January 2019, Australia revoked and replaced 30 Statements of Principles. I have decided, on the basis of advice from Veterans' Affairs and the Veterans' Health Advisory Panel, that the changes 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 changes 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.

7. 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

8. It is intended that the Veterans' Support Amendment Regulations (No 2) 2019 will come into force on 9 May 2019, thus complying with the 28-day rule.

Compliance

9. The proposed amendment to the Regulations to replace Schedule 1 complies with each of the following:
 - 9.1. the principles of the Treaty of Waitangi;
 - 9.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 9.3. the principles and guidelines set out in the Privacy Act 1993;
 - 9.4. the relevant international standards and obligations; and
 - 9.5. the Legislation Design and Advisory Committee Guidelines (2018) which are maintained by the Legislation Design and Advisory Committee.
10. In accordance with section 23 of the Act, before reaching my decision that the 30 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

11. 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

12. The draft Regulations amendment has been certified by the Parliamentary Counsel as being in order for submission to Cabinet.

Impact Analysis

13. The Regulatory Quality Team at The Treasury agrees that no formal Regulatory Impact Statement is required for routine amendments to the Statements of Principles set out in Schedule 1 of the Veterans' Support Regulations 2014.

Publicity

14. Veterans' Affairs will publish the changes on its website.

Proactive Release

15. I intend to release this paper in full.

Consultation

16. 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

17. 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 30 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 May 2019, thus complying with the 28-day rule.
 5. **Authorise** the submission to the Executive Council of the Veterans' Support Amendment Regulations (No 2) 2019.

Authorised for lodgement

Hon Ron Mark
Minister for Veterans

Date:

Annex:

- A. List of Statements of Principles for Possible Adoption

**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
adrenal insufficiency	71/2018 Replacing 74/2009	72/2018 Replacing 75/2009
sinusitis	73/2018 Replacing 9/2010	74/2018 Replacing 10/2010
reactive arthritis	75/2018 Replacing 26/2010	76/2018 Replacing 27/2010
scrub typhus	77/2018 Replacing 72/2009	78/2018 Replacing 73/2009
bronchiolitis obliterans organising pneumonia	79/2018 Replacing 62/2009	80/2018 Replacing 63/2009
non-Hodgkin lymphoma	90/2018 Replacing 28/2010 Name has changed from non-Hodgkin's lymphoma	91/2018 Replacing 29/2010 Name has changed from non-Hodgkin's lymphoma
concussion	92/2018 Replacing 64/2012	93/2018 Replacing 65/2012
moderate to severe traumatic brain injury	94/2018 Replacing 62/2012	95/2018 Replacing 63/2012

Condition	Statement of Principles Number	
	Reasonable Hypothesis	Balance of Probabilities
human T-cell lymphotropic virus type-1 infection	96/2018 Replacing 7/2010 Name has changed from human T-cell lymphotropic virus type-1	97/2018 Replacing 8/2010 Name has changed from human T-cell lymphotropic virus type-1
chondromalacia patella	1/2019 Replacing 79/2010	2/2019 Replacing 80/2012
iliotibial band syndrome	3/2019 Replacing 34/2010	4/2019 Replacing 35/2010
human immunodeficiency virus infection	5/2019 Replacing 5/2010 Name has changed from human immunodeficiency virus	6/2019 Replacing 6/2010 Name has changed from human immunodeficiency virus
internal derangement of the knee	7/2019 Replacing 51/2010	8/2019 Replacing 52/2010
Dupuytren disease	9/2019 Replacing 57/2010 Name has changed from Dupuytren's disease	10/2019 Replacing 58/2010 Name has changed from Dupuytren's disease
hypopituitarism	11/2019 Replacing 76/2009	12/2019 Replacing 77/2009

Veterans' Support Amendment Regulations (No 2) 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 2) 2019.
- 2 Commencement**
These regulations come into force on 9 May 2019.

3 Principal regulations

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

4 Schedule 1 amended

- (1) In Schedule 1, item relating to adrenal insufficiency,—
 - (a) replace “74/2009” with “71/2018”; and
 - (b) replace “75/2009” with “72/2018”.
- (2) In Schedule 1, item relating to bronchiolitis obliterans organising pneumonia,—
 - (a) replace “62/2009” with “79/2018”; and
 - (b) replace “63/2009” with “80/2018”.
- (3) In Schedule 1, item relating to chondromalacia patella,—
 - (a) replace “79/2010” with “1/2019”; and
 - (b) replace “80/2010” with “2/2019”.
- (4) In Schedule 1, item relating to concussion,—
 - (a) replace “64/2012” with “92/2018”; and
 - (b) replace “65/2012” with “93/2018”.
- (5) In Schedule 1, replace the item relating to Dupuytren’s disease with:

Dupuytren disease	9/2019	10/2019
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- (6) In Schedule 1, replace the item relating to human immunodeficiency virus with:

human immunodeficiency virus infection	5/2019	6/2019
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- (7) In Schedule 1, replace the item relating to human T-cell lymphotropic virus type 1 with:

human T-cell lymphotropic virus type-1 infection	96/2018	97/2018
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- (8) In Schedule 1, item relating to hypopituitarism,—
 - (a) replace “76/2009” with “11/2019”; and
 - (b) replace “77/2009” with “12/2019”.
- (9) In Schedule 1, item relating to iliotibial band syndrome,—
 - (a) replace “34/2010” with “3/2019”; and
 - (b) replace “35/2010” with “4/2019”.
- (10) In Schedule 1, item relating to internal derangement of the knee,—
 - (a) replace “51/2010” with “7/2019”; and
 - (b) replace “52/2010” with “8/2019”.
- (11) In Schedule 1, item relating to moderate to severe traumatic brain injury,—

- (a) replace “62/2012” with “94/2018”; and
- (b) replace “63/2012” with “95/2018”.
- (12) In Schedule 1, replace the item relating to non-Hodgkin’s lymphoma with:
- | | | |
|----------------------|---------|---------|
| non-Hodgkin lymphoma | 90/2018 | 91/2018 |
|----------------------|---------|---------|
- (13) In Schedule 1, item relating to reactive arthritis,—
- (a) replace “26/2010” with “75/2018”; and
- (b) replace “27/2010” with “76/2018”.
- (14) In Schedule 1, item relating to scrub typhus,—
- (a) replace “72/2009” with “77/2018”; and
- (b) replace “73/2009” with “78/2018”.
- (15) In Schedule 1, item relating to sinusitis,—
- (a) replace “9/2010” with “73/2018”; and
- (b) replace “10/2010” with “74/2018”.

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 9 May 2019, amend the Veterans’ Support Regulations 2014 (the **principal regulations**).

These 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 with updated references for 11 conditions; and
- replace the names and references to the Australian statements of principles with updated names and references for 4 conditions. The renamed conditions are Dupuytren disease (formerly Dupuytren’s disease), human immunodeficiency virus infection (formerly human immunodeficiency virus), human T-cell lymphotropic virus type-1 infection (formerly human T-cell lymphotropic virus type 1), and non-Hodgkin lymphoma (formerly non-Hodgkin’s lymphoma).

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These regulations are administered by the New Zealand Defence Force.