

## More Vietnam veterans will become eligible for an ex gratia payment

### About the MOU

New conditions are now eligible for ex gratia payments under the Vietnam Veteran Memorandum of Understanding (MOU).

The added conditions are:

- Monoclonal gammopathy of undetermined significance (MGUS)
- Hypertension.

## Resources

Read the press release on Beehive.govt.nz (<https://www.beehive.govt.nz/release/more-vietnam-veterans-receive-compensation-agent-orange-exposure>) 

More information on support for Viet Nam veterans (<https://www.veteransaffairs.mil.nz/a-z/support-if-you-served-in-vietnam/>)

More information on support for families of Viet Nam veterans (<https://www.veteransaffairs.mil.nz/a-z/support-for-families-of-those-with-service-in-viet-nam/>)

 Veterans and Agent Orange: Update 11 (2018) — By the National Academy of Sciences [PDF, 4.7 MB] (<https://www.veteransaffairs.mil.nz/assets/News-attachments/2022/Agent-Orange-Veterans-Update-2018.pdf>)

## More information about the MOU

### Why were these new conditions added?

This is the result of the United States National Academy of Sciences' most recent review of international research and databases which provide information about the long-term health effects on Vietnam veterans of the herbicides and defoliants that had been sprayed during the conflict.

This review concluded that these two conditions should now be added to the list of those for which there is “sufficient evidence of association between the chemicals of interest [in this case Agent Orange] and health outcomes”.

 Veterans and Agent Orange: Update 11 (2018) — By the National Academy of Sciences [PDF, 4.7 MB] (<https://www.veteransaffairs.mil.nz/assets/News-attachments/2022/Agent-Orange-Veterans-Update-2018.pdf>)

### Updated: Why does the Government want to change the MoU and bring in a process before any new conditions can be added to the ex gratia list?

There is no process specified in the MoU for how to go about adding new conditions to Schedule 1, and this makes managing the process ad hoc and difficult. An agreed process would ensure that future changes to the Schedule 1 ex

managing the process ad hoc and difficult. An agreed process would ensure that future changes to the Schedule 1 ex gratia conditions can be managed smoothly.

This change to the MOU would need to be agreed by both parties, and discussions are to be held between the Crown and representatives of the two groups that were signatories to the MOU in 2006 — the Royal New Zealand Returned and Services' Association, and the Vietnam Veterans' Association.

The Cabinet minute concerned is available for public viewing.

Cabinet minute about the MoU (<https://www.nzdf.mil.nz/search/SearchForm?Search=Vietnam+&sort=default&category=Documents>)



## **What is the Vietnam Veteran Memorandum of Understanding (MOU)?**

In 2006, the Crown signed a Memorandum of Understanding (MOU) with representatives of Vietnam veterans, acknowledging that the veterans were affected by the toxic environment they served in.

## **Why did the Government sign an MOU with the Vietnam veterans?**

The MOU was part of a package of additional measures, aimed at acknowledging the past, putting things right and improving services to Vietnam veterans.

## **What is an ex gratia payment (in relation to this MOU)?**

The MOU entitles veterans who suffer from one of a specified number of conditions to an ex gratia payment of NZD\$40,000.

The MOU accepts the same conditions that appear on a United States National Academy of Sciences list of conditions where there is sufficient evidence of associations between the chemicals of interest (in this case Agent Orange) and health outcomes. They are known as the Prescribed Conditions and are listed in Schedule 1 of the MOU.

This list is based on an overview of international research and databases, dealing with the association between herbicides, such as Agent Orange, and particular health conditions.

## **What are the Prescribed Conditions for which an ex gratia payment can be paid to a New Zealand Vietnam veteran?**

When the MOU was signed there were five conditions on the United States National Academy of Sciences list. These conditions are:

- Soft tissue sarcoma
- Non-Hodgkin lymphoma
- Hodgkin's disease
- Chloracne
- Chronic lymphocytic leukaemia — including hairy-cell leukaemia and other chronic b-cell leukaemias

## **What are the new conditions that have been added to the list of Prescribed Conditions in New Zealand?**

Two new conditions have been added to the United States National Academy Sciences list and thus become Prescribed Conditions listed on Schedule 1 of the MOU. They are:

- Monoclonal gammopathy of undetermined significance (MGUS)
- Hypertension

## **Are all New Zealand veterans eligible to receive this ex gratia payment?**

No. Only those that served in Vietnam and have one of the Prescribed Conditions listed in the MOU.

## **I am a New Zealand Vietnam veteran and I have already received an ex gratia payment for one of the previously specified Prescribed Conditions. Can I apply for an ex gratia payment for one of the new conditions?**

No. If you have previously received an ex gratia payment for one of the Prescribed Conditions, you are not eligible to

apply for an ex gratia payment for either of the new conditions.

## **Why were special arrangements made for Vietnam veterans?**

These arrangements recognise that the loyal service of the veterans to New Zealand was not recognised as it should have been when it should have been and that inadequate support was provided to them after they returned home from the conflict.

In particular, it recognises that, for many years, successive governments ignored the concerns of the veterans about the impact on their health of serving in a toxic environment where Agent Orange was used. A package of measures was therefore agreed, aimed at acknowledging the past, putting things right and improving services to Vietnam veterans.

These commitments were summed up in the Memorandum of Understanding.

## **I have one of the new conditions. How do I apply for an ex gratia payment?**

If you are a current client of Veterans' Affairs and served in Vietnam and you have previously been diagnosed with one of the new Prescribed Conditions, Veterans' Affairs will get in touch with you to discuss the ex gratia payment.

## **I have one of the conditions but I am not currently a client of Veterans' Affairs — can I still get the ex-gratia payment?**

If you served in Vietnam and have been diagnosed with one of the Prescribed Conditions, you should contact us to discuss how to apply for the ex gratia payment.

Contact us (<https://www.veteransaffairs.mil.nz/contact-us/>)

## **I served in Vietnam and I have a health condition, but not one of those listed as a Prescribed Condition in the MOU. What support am I entitled to?**

All New Zealand veterans with qualifying service are supported by the 2014 Veterans' Support Act.

You are welcome to contact us to find out how to claim for other entitlements.

Contact us (<https://www.veteransaffairs.mil.nz/contact-us/>)

You can also register for the free Annual Medical Assessment which is available to New Zealand Vietnam veterans.

## **I am a Vietnam veteran and I want to have a new condition added to the list of prescribed conditions — how can I do that?**

There is no action that a New Zealand Vietnam veteran can take to have a new condition added to the list.

The list of Prescribed Conditions is based on a review undertaken by a body in the United States (the National Institute of Sciences) of international research and databases that deal with the association between herbicides, such as Agent Orange, and particular health conditions.

From time to time, this review will result in the adding of new conditions — as has happened now with the addition of monoclonal gammopathy of undetermined significance (MGUS) and hypertension.

## **How quickly will my application for an ex gratia payment be processed?**

The priority for handling all applications received by VA is to process those received from living veterans first. As such, VA will deal with all applications in the following order of priority:

- Terminal illness
- Mental health
- Financial hardship
- All other applications including new ex gratia payment applications

To find out more, contact us (<https://www.veteransaffairs.mil.nz/contact-us/>).

## **Is the Government planning to review the MOU and if so why?**

is the Government planning to review the MoU and, if so, why?

The MoU itself is not being reviewed. The only area to be reviewed is that which applies to section 6 of the MoU ie ex gratia payments – and the specific issue relates to setting up a process, acceptable to all parties, for adopting new Schedule 1 ex gratia conditions in New Zealand.

## What is included in the MOU?

The MOU includes:

- an acknowledgement and apology to all Vietnam veterans
- a comprehensive range of measures for addressing short and medium-term health and welfare issues for Vietnam veterans and, where appropriate, their immediate families
- a Welcome Home Ceremony for Vietnam veterans incorporating aspects of Whakanoa
- clarification of the current and proposed future entitlements for Vietnam veterans and certain entitlements for all veterans
- a review and rewrite of the substantive legislation, the War Pensions Act, for all veterans
- a review of the delivery of services to all veterans, including options for the future placement, responsibilities and resourcing of Veterans' Affairs.

## I am a Vietnam veteran and I have a condition that appears on the presumptive list. Can I get an ex gratia payment?

There are now five specified illnesses on the list of Prescribed Conditions that also appear on the list of Conclusively Presumed Conditions (also known as the Presumptive List) and these are the conditions that VA may automatically accept as being related to Qualifying Service.

The specified illnesses that appear on both the Presumptive List and the list of Prescribed Conditions are hypertension, sarcoma, non-Hodgkin lymphoma, chloracne and chronic lymphocytic leukaemia, including hairy-cell leukaemia and other chronic b-cell leukaemias.

If you are a Vietnam veteran who has been diagnosed with one of the new Prescribed Conditions, and you are a current client, we will get in touch with you about the ex gratia payment.

Other conditions on the Presumptive List, that do not appear on the list of Prescribed Conditions, do not qualify for the ex gratia payment.

## Why has New Zealand accepted that hypertension is associated with Agent Orange when VA in the United States doesn't?

The MOU accepts as a Prescribed Condition any condition which appears on the United States Institute of Sciences list of conditions for which they consider there is “sufficient evidence of association” with Agent Orange.

Under the MoU, New Zealand Vietnam veterans with those conditions then automatically qualify for an ex gratia payment.

The Government has agreed there should be some work done with representatives of Vietnam veterans to develop a process for managing any other conditions which may appear on this list in the future.

## I served in Vietnam — am I covered by the MOU?

Vietnam veterans who served in Vietnam during the period 29 May 1964 to 31 December 1972 and have been diagnosed with one of the Prescribed Conditions, are eligible for an ex gratia payment under the terms of the MOU.

Veterans who served in Vietnam outside this period including members of The Civilian Surgical Team at Qui Nhon Provincial State Hospital in Vietnam, have Qualifying Operational Service and are eligible for support under the Veterans' Support Act 2014.

## Information for spouses

### Updated: I am the surviving spouse of a Vietnam veteran — can I apply for this ex gratia payment?

If you are the surviving spouse or partner of someone who had qualifying operational service in Vietnam, you may qualify

If you are the surviving spouse or partner of someone who had qualifying operational service in Vietnam, you may qualify for an ex gratia payment of NZD\$25,000 if:

- your spouse or partner has died from one of the following Prescribed Conditions:
  - Soft tissue sarcoma
  - Non-Hodgkin lymphoma
  - Hodgkin's disease
  - Chloracne
  - Chronic lymphocytic leukaemia – including hairy-cell leukaemia and other chronic b-cell leukaemia
  - Monoclonal gammopathy of undetermined significance (MGUS)
  - Hypertension

and

- Your spouse or partner did not receive an ex gratia payment for any of these conditions.

### Special note

If your veteran partner died with either of the new conditions between 1 November 2018 and 29 November 2021 (the date the Minister for Veterans made the statement on the new conditions), the payment will be at the veteran rate of \$40,000.

We recognise that hypertension isn't often a cause of death but we know that it can lead to early death from illnesses such as stroke and heart disease. MGUS would also not typically cause death. However, it can be related to other blood cancers that could have contributed to the veteran's death.

If your veteran partner had been diagnosed with hypertension or MGUS and you believe it caused the veteran's death, or contributed to it through another condition, you can make an application for an ex gratia payment.

## Updated: How do I make a claim if my spouse or partner died of one of these conditions?

Send us the following information:

- Your full name
- Postal and email address, and phone number
- The veteran's full name and date of birth
- A copy of the full death certificate showing cause of death
- Consent in writing from the executor of the estate for VA to obtain the veteran's medical records
- A copy of the Letters of Administration/Probate/Will
- Marriage certificate or proof of relationship at time of death
- Bank account details for payment

You can send it:

- by email to [veterans@nzdf.mil.nz](mailto:veterans@nzdf.mil.nz) (<mailto:veterans@nzdf.mil.nz>)
- or by post to Veterans Affairs, PO Box 5146, Wellington 6140.

Contact us (<https://www.veteransaffairs.mil.nz/contact-us/>)

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## Tags

[Viet Nam \(https://www.veteransaffairs.mil.nz/news-events/articles/?tag=41\)](https://www.veteransaffairs.mil.nz/news-events/articles/?tag=41)

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