REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 37 of 2008

VETERANS’ ENTITLEMENTS ACT 1986
MILITARY REHABILITATION AND COMPENSATION ACT 2004

EXPLANATORY NOTES FOR TABLING

1. The Repatriation Medical Authority (the Authority), under subsection 196B(8) of the Veterans’ Entitlements Act 1986 (the VEA) revokes Instrument No. 57 of 1996, determined under subsection 196B(2) of the VEA concerning adjustment disorder and death from adjustment disorder.

2. The Authority is of the view that there is sound medical-scientific evidence that indicates that adjustment disorder and death from adjustment disorder can be related to particular kinds of service. The Authority has therefore determined pursuant to subsection 196B(2) of the VEA a Statement of Principles, Instrument No. 37 of 2008 concerning adjustment disorder. This Instrument will in effect replace the revoked Statements of Principles.

3. The provisions of the Military Rehabilitation and Compensation Act 2004 (the MRCA) relating to claims for compensation commenced on 1 July 2004. Claims under section 319 of the MRCA for acceptance of liability for a service injury sustained, a service disease contracted or service death on or after 1 July 2004 are determined by the Military Rehabilitation and Compensation Commission by reference to Statements of Principles issued by the Authority pursuant to the VEA.

4. The Statement of Principles sets out the factors that must as a minimum exist, and which of those factors must be related to the following kinds of service rendered by a person:

- operational service under the VEA;
- peacekeeping service under the VEA;
- hazardous service under the VEA;
- warlike service under the MRCA;
- non-warlike service under the MRCA,

before it can be said that a reasonable hypothesis has been raised connecting adjustment disorder or death from adjustment disorder, with the circumstances of that service.
5. This new instrument results from an investigation notified by the Authority in the Government Notices Gazette of 8 November 2006 concerning adjustment disorder in accordance with section 196G of the VEA. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority, including the sound medical-scientific evidence it has previously considered.

6. The contents of the new Instrument are in similar terms as the revoked Instrument. Comparing the new and the revoked Instruments, the differences include:

   - adopting the latest revised Instrument format, which commenced in 2005;
   - deleting the ICD code from the Instrument header;
   - revising the definition of 'adjustment disorder' in clause 3;
   - deleting factor concerning 'identifiable psychosocial stressor or stressors and clinical worsening of adjustment disorder';
   - rewording factor 6(a) concerning 'category 1A stressor', to revise the factor relating to 'identifiable psychosocial stressor or stressors';
   - rewording factor 6(b) concerning 'category 1B stressor', to revise the factor relating to 'identifiable psychosocial stressor or stressors';
   - rewording factor 6(c) concerning 'a significant other who experiences a category 1A stressor', to revise the factor relating to 'identifiable psychosocial stressor or stressors';
   - rewording factor 6(d) concerning 'category 2 stressor', to revise the factor relating to 'identifiable psychosocial stressor or stressors';
   - rewording factor 6(e) concerning 'death of a significant other', to revise the factor relating to 'identifiable psychosocial stressor or stressors';
   - rewording factor 6(f) concerning 'clinically significant psychiatric condition', to revise the factor relating to 'identifiable psychosocial stressor or stressors';
   - rewording factor 6(g) concerning 'medical illness or injury', to revise the factor relating to 'identifiable psychosocial stressor or stressors';
   - rewording factor 6(h) concerning 'chronic pain', to revise the factor relating to 'identifiable psychosocial stressor or stressors';
   - rewording factor 6(i) concerning 'miscarriage, foetal death in-utero or stillbirth', to revise the factor relating to 'identifiable psychosocial stressor or stressors';
   - new definitions of 'a category 1A stressor', 'a category 1B stressor', 'a category 2 stressor', 'a clinically significant psychiatric condition', 'a significant other', 'an eyewitness', 'chronic pain', 'death from adjustment disorder', 'DSM-IV-TR', 'miscarriage' and 'terminal event' in clause 9;
   - revising definition of 'relevant service' in clause 9;
   - deleting definitions of 'DSM-IV', 'ICD code', and 'psychosocial stressor(s)'; and
   - specifying a date of effect for the Instrument in clause 11.

7. This new instrument incorporates by reference the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DSM-IV-TR), American Psychiatric Association, Washington DC 2000. A copy of this document is available from the offices of the Repatriation Medical Authority,
8. Further changes to the format of the Instrument reflect the commencement of the MRCA and clarify that pursuant to subsection 196B(3A) of the VEA, the Statement of Principles has been determined for the purposes of both the VEA and the MRCA.

9. Prior to determining this instrument, the Authority advertised its intention to undertake an investigation in relation to adjustment disorder in the Government Notices Gazette of 8 November 2006, and circulated a copy of the notice of intention to investigate to a wide range of organisations representing veterans, service personnel and their dependants. The Authority invited submissions from the Repatriation Commission, organisations and persons referred to in section 196E of the VEA, and any person having expertise in the field. Two submissions were received for consideration by the Authority during the investigation.

10. On 15 February 2008, the Authority wrote to organisations representing veterans, service personnel and their dependants regarding the proposed Instrument and the medical-scientific material considered by the Authority. This letter emphasised the deletion of a factor relating to *an identifiable psychosocial stressor or stressors and clinical worsening of adjustment disorder*. The Authority provided an opportunity to the organisations to make representations in relation to the proposed instrument prior to its determination. One submission was received for consideration by the Authority.

11. The determining of this new instrument finalises the investigation in relation to adjustment disorder as advertised in the Government Notices Gazette of 8 November 2006.

12. A list of references relating to the above condition is available, on written request, from the Repatriation Medical Authority Secretariat.