REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 3 of 2009

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. 15 of 2008, determined under subsection 196B(2) of the VEA concerning drug dependence and drug abuse and death from drug dependence and drug abuse.

2. The Authority is of the view that there is sound medical-scientific evidence that indicates that drug dependence and drug abuse and death from drug dependence and drug abuse 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. 3 of 2009 concerning drug dependence and drug abuse. 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 drug dependence and drug abuse or death from drug dependence and drug abuse, with the circumstances of that service.
5. This new instrument results from an investigation notified by the Authority in the Government Notices Gazette of 27 August 2008 concerning drug dependence and drug abuse 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:

- revising factors 6(d) & 6(k) concerning 'death of a significant other';
- new factors 6(f) & 6(l) concerning 'severe childhood abuse';
- new factors 6(g) & 6(m) concerning 'a medical illness or injury';
- revising definition of 'a clinically significant psychiatric condition' in clause 9;
- new definition of 'severe childhood abuse' in clause 9; 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, Level 8, Bank of Queensland Building, 259 Queen St, Brisbane Queensland 4000, by contacting the Registrar on telephone (07) 3815 9404.

8. Prior to determining this instrument, the Authority advertised its intention to undertake an investigation in relation to drug dependence and drug abuse in the Government Notices Gazette of 27 August 2008, 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. No submissions were received for consideration by the Authority during the investigation.


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