EXPLANATORY NOTES FOR TABLING

1. The Repatriation Medical Authority (the Authority) has determined, under subsection 196B(3) & (8) of the Veterans’ Entitlements Act 1986 (the VEA) Amendment Statement of Principles Instrument No. 89 of 2014 concerning diabetes mellitus.

2. This Instrument amends Statement of Principles Instrument No. 90 of 2011 concerning diabetes mellitus by:
   - replacing factors 6(f) & 6(n) concerning 'being treated with a drug or a drug from a class of drugs from specified list 1';
   - inserting new factors 6(fa) & 6(na) concerning 'being treated with a drug or a drug from a class of drugs from specified list 3';
   - inserting new definitions of 'a drug or a drug from a class of drugs from specified list 1' and 'a drug or a drug from a class of drugs from specified list 3' in clause 9;
   - replacing the definition of 'relevant service' in clause 9; and
   - deleting the definition of 'a drug or a drug from a class of drugs from the specified list' in clause 9.

3. This Instrument also specifies a date of effect for the amendment in accordance with subsection 12(1)(a) of the Legislative Instruments Act 2003.

4. Prior to determining this Instrument, the Authority advertised its intention to undertake an investigation in relation to diabetes mellitus in the Government Notices Gazette of 21 August 2013, 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. One submission was received for consideration by the Authority during the investigation.

5. This instrument is compatible with the Human Rights and Freedoms recognised or declared in the International Instruments listed in Section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011. A Statement of Compatibility with Human Rights follows.

7. A list of references relating to the above condition is available to any person or organisation referred to in subsection 196E(1)(a) to (c) of the VEA. Any such request must be made in writing to the Repatriation Medical Authority at the following address:

The Registrar
Repatriation Medical Authority
GPO Box 1014
BRISBANE QLD 4001
Statement of Compatibility with Human Rights

(Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011)

Instrument No.: Amendment Statement of Principles No. 89 of 2014

Kind of Injury, Disease or Death: Diabetes mellitus

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the Human Rights (Parliamentary Scrutiny) Act 2011.

Overview of the Legislative Instrument

1. This Legislative Instrument is determined pursuant to subsection 196B(8) of the Veterans' Entitlements Act 1986 (the VEA) for the purposes of the VEA and the Military Rehabilitation and Compensation Act 2004 (the MRCA).

2. This Legislative Instrument:
   - facilitates claimants in making, and the Repatriation Commission in assessing, claims under the VEA and the MRCA respectively, by specifying the circumstances in which medical treatment and compensation can be extended to eligible persons who have diabetes mellitus;
   - facilitates the review of such decisions by the Veterans' Review Board and the Administrative Appeals Tribunal;
   - includes new factors which the current sound medical-scientific evidence indicates must exist before it can be said that, on the balance of probabilities, diabetes mellitus is connected with the circumstances of eligible service rendered by a person;
   - amends Instrument No. 90 of 2011; and
   - reflects developments in the available sound medical-scientific evidence concerning diabetes mellitus which have occurred since that earlier instrument was determined.

3. The Instrument is assessed as being a technical instrument which improves the medico-scientific quality of outcomes under the VEA and the MRCA.
Human Rights Implications

4. This Legislative Instrument does not derogate from any human rights. It promotes the human rights of veterans, current and former Defence Force members as well as other persons such as their dependents, including:

- the right to social security (Art 9, *International Covenant on Economic, Social and Cultural Rights*; Art 26, *Convention on the Rights of the Child* and Art 28, *Convention on the Rights of Persons with Disabilities*) by helping to ensure that the qualifying conditions for the benefit are 'reasonable, proportionate and transparent';

- the right to an adequate standard of living (Art 11, ICSECR; Art 27, CRC and Art 28, CRPD) by facilitating the assessment and determination of social security benefits;

- the right to the enjoyment of the highest attainable standard of physical and mental health (Art 12, ICSECR and Art 25, CRPD), by facilitating the assessment and determination of compensation and benefits in relation to the treatment and rehabilitation of veterans and Defence Force members; and

- the rights of persons with disabilities by facilitating the determination of claims relating to treatment and rehabilitation (Art 26, CRPD).

Conclusion

This Legislative Instrument is compatible with human rights as it does not derogate from and promotes a number of human rights.

Repatriation Medical Authority

---

1 In General Comment No. 19 (The right to social security), the Committee on Economic, Social and Cultural Rights said (at paragraph 24) this to be one of the elements of ensuring accessibility to social security.