



Statement of Principles concerning suicide and attempted suicide (Balance of Probabilities) (No. 66 of 2016)

made under subsection 196B(3) of the
Veterans' Entitlements Act 1986

Compilation No. 3

Compilation date: 24 September 2018

Includes amendments up to: Veterans' Entitlements (Statements of Principles—Category 1B Stressor) Amendment Determination 2018 (No. 87 of 2018) (F2018L01188)

The day of commencement of this Amendment Determination is 24 September 2018.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

About this compilation

This compilation

This is a compilation of the *Statement of Principles concerning suicide and attempted suicide (Balance of Probabilities) (No. 66 of 2016)* that shows the text of the law as amended and in force on 24 September 2018.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
SUICIDE AND ATTEMPTED SUICIDE
(Balance of Probabilities)
(No. 66 of 2016)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 24 June 2016

Statement of Principles concerning
Suicide And Attempted Suicide (Balance of Probabilities) (No. 66 of 2016)
Veterans' Entitlements Act 1986

1

Contents

1	Name	3
2	Commencement	3
3	Authority	3
4	Revocation	3
5	Application.....	3
6	Definitions.....	3
7	Kind of injury, disease or death to which this Statement of Principles relates	3
8	Basis for determining the factors	4
9	Factors that must exist.....	4
10	Relationship to service	6
11	Factors referring to an injury or disease covered by another Statement of Principles.....	6
Schedule 1 - Dictionary		7
1	Definitions.....	7

1 Name

This is the Statement of Principles concerning *suicide and attempted suicide (Balance of Probabilities)* (No. 66 of 2016).

2 Commencement

This instrument commences on 25 July 2016.

3 Authority

This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

4 Revocation

The Statement of Principles concerning suicide and attempted suicide No. 12 of 2010 made under subsection 196B(3) of the VEA is revoked.

5 Application

This instrument applies to a claim to which section 120B of the VEA or section 339 of the *Military Rehabilitation and Compensation Act 2004* applies.

6 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

7 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about suicide and attempted suicide and death from attempted suicide.

Meaning of suicide and attempted suicide

- (2) For the purposes of this Statement of Principles
- (a) suicide means the intentional act of taking one's own life; and
 - (b) attempted suicide means an intentional act, the purpose of which is to take one's own life, but which has a non-fatal outcome.

Death from attempted suicide

For the purposes of this Statement of Principles, attempted suicide, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's attempted suicide.

Note: *terminal event* is defined in the Schedule 1 – Dictionary.

8 Basis for determining the factors

On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that suicide or attempted suicide and death from attempted suicide can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *relevant service* is defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, suicide or attempted suicide or death from attempted suicide is connected with the circumstances of a person's relevant service:

- (1) having a clinically significant disorder of mental health as specified at the time of the suicide or the attempted suicide;

Note: *clinically significant disorder of mental health as specified* is defined in the Schedule 1 - Dictionary.

- (2) experiencing a category 1A stressor before the suicide or the attempted suicide;

Note: *category 1A stressor* is defined in the Schedule 1 - Dictionary.

- (3) experiencing a category 1B stressor before the suicide or the attempted suicide;

Note: *category 1B stressor* is defined in the Schedule 1 - Dictionary.

- (4) having a significant other who experiences a category 1A stressor within the one year before the suicide or the attempted suicide;

Note: *category 1A stressor* and *significant other* are defined in the Schedule 1 - Dictionary.

- (5) experiencing the death of a significant other within the two years before the suicide or the attempted suicide;

Note: *significant other* is defined in the Schedule 1 - Dictionary.

- (6) experiencing the death of a parent due to suicide within the 25 years before the suicide or the attempted suicide, where the person was aged 18 years or younger at the time of the parent's death;

- (7) for persons 18 years of age and younger only, experiencing the suicide of a peer within the two years before the suicide or the attempted suicide;

Note: *peer* is defined in the Schedule 1 - Dictionary.

- (8) experiencing a category 2 stressor within the ten years before the suicide or the attempted suicide;

Note 1: A category 2 stressor can arise in a variety of circumstances connected with service. Such circumstances can arise during the course of service, as a result of separation from service and the conditions associated with that separation, and in the transition to civilian life in the years following separation.

Note 2: *category 2 stressor* is defined in the Schedule 1 - Dictionary.

- (9) being a perpetrator of bullying within the two years before the suicide or the attempted suicide;
- (10) having experienced severe childhood abuse before the suicide or the attempted suicide;

Note: *severe childhood abuse* is defined in the Schedule 1 - Dictionary.

- (11) attempting suicide or performing a self-injurious act, within the five years before the suicide or the attempted suicide;

Note: *performing a self-injurious act* is defined in the Schedule 1 - Dictionary.

- (12) having a medical illness or injury which has resulted in, or where the prognosis involves, a severe level of disability at the time of the suicide or the attempted suicide;

Note: *severe level of disability* is defined in the Schedule 1 - Dictionary.

- (13) having epilepsy at the time of the suicide or the attempted suicide;
- (14) having persistent pain as specified of at least six months duration at the time of the suicide or the attempted suicide;

Note: *persistent pain as specified* is defined in the Schedule 1 - Dictionary.

- (15) having failed an academic examination or other academic assessment within the 30 days before the suicide or the attempted suicide;
- (16) for persons 18 years of age and younger only, commencing a course of Selective Serotonin Reuptake Inhibitor (SSRI) or Serotonin-Norepinephrine Reuptake Inhibitor (SNRI) drug therapy, or increasing or reducing the dose of that drug therapy, within the eight weeks before the suicide or the attempted suicide, and during that time reporting new or worse symptoms of agitation, aggression, insomnia, irritability, hyperkinesia, mania, hypomania or worsening of depressive symptoms;
- (17) taking a drug or a drug from a class of drugs from the specified list of drugs, within the 14 days before the suicide or the attempted suicide;

Note: *specified list of drugs* is defined in the Schedule 1 - Dictionary.

- (18) taking mefloquine within the three months before the suicide or the attempted suicide;
- (19) using methylenedioxypropylamphetamine (MDPV) or 4-iodo-2,5-dimethoxy-N-(2-methoxybenzyl)-phenylethylamine (25I-NBOMe) within the 12 hours before the suicide or the attempted suicide;
- (20) having a moderate to severe traumatic brain injury before the suicide or the attempted suicide;
- (21) undergoing bariatric surgery within the ten years before the suicide or the attempted suicide;

Note: *bariatric surgery* is defined in the Schedule 1 - Dictionary.

- (22) inability to obtain appropriate clinical management for the attempted suicide.

10 Relationship to service

- (1) The existence in a person of any factor referred to in section 9, must be related to the relevant service rendered by the person.
- (2) The factor set out in subsection 9(22) applies only to material contribution to, or aggravation of, attempted suicide where the person's attempted suicide was suffered or contracted before or during (but did not arise out of) the person's relevant service.

11 Factors referring to an injury or disease covered by another Statement of Principles

In this Statement of Principles:

- (1) if a factor referred to in section 9 applies in relation to a person; and
- (2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(3) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

bariatric surgery means weight reduction surgical procedures including gastrojejunostomy, gastric stapling, vertical banded gastroplasty and gastrectomy with Roux-en-Y anastomosis.

category 1A stressor means one of the following severe traumatic events:

- (a) experiencing a life-threatening event;
- (b) being subject to a serious physical attack or assault including rape and sexual molestation; or
- (c) being threatened with a weapon, being held captive, being kidnapped, or being tortured.

category 1B stressor means one of the following severe traumatic events:

- (a) killing or maiming a person;
- (b) being an eyewitness to a person being killed or critically injured;
- (c) being an eyewitness to atrocities inflicted on another person;
- (d) participating in the clearance of a corpse or a critically injured casualty; or
- (e) viewing a corpse or a critically injured casualty as an eyewitness.

Note: *corpse* and *eyewitness* are also defined in the Schedule 1 - Dictionary.

category 2 stressor means one of the following negative life events, the effects of which are chronic in nature and cause the person to feel ongoing distress, concern or worry:

- (a) being socially isolated and unable to maintain friendships or family relationships, due to physical location, language barriers, disability, medical illness or psychiatric symptomatology;
- (b) experiencing a problem with a long-term relationship including the break-up of a close personal relationship, the need for marital or relationship counselling, marital separation or divorce;
- (c) having concerns in the work or school environment including ongoing disharmony with fellow work or school colleagues, perceived lack of social support within the work or school environment, perceived lack of control over tasks performed and stressful workloads, experiencing demotion at work, or experiencing bullying in the workplace or school environment;

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- (d) experiencing serious legal issues including being detained or held in custody, ongoing involvement with the police concerning violations of the law, or court appearances associated with personal legal problems;
 - (e) having severe financial hardship including loss of employment, long periods of unemployment, foreclosure on a property, or bankruptcy;
 - (f) having a family member or significant other experience a major deterioration in their health; or
 - (g) being a full-time caregiver to a family member or significant other with a severe physical, mental or developmental disability.

Note: *significant other* is also defined in the Schedule 1 - Dictionary.

clinically significant disorder of mental health as specified means one of the following conditions, which is of sufficient severity to warrant ongoing management, which may involve regular visits (for example, at least monthly) to a psychiatrist, counsellor or general practitioner:

- (a) acute stress disorder;
- (b) adjustment disorder;
- (c) alcohol use disorder;
- (d) anxiety disorder;
- (e) attention-deficit/hyperactivity disorder;
- (f) bipolar disorder;
- (g) body dysmorphic disorder;
- (h) brief psychotic disorder;
- (i) conduct disorder;
- (j) depressive disorder;
- (k) eating disorder;
- (l) obsessive-compulsive disorder;
- (m) oppositional defiant disorder;
- (n) panic disorder;
- (o) personality disorder;
- (p) phobic anxiety;
- (q) posttraumatic stress disorder;
- (r) schizoaffective disorder;
- (s) schizophrenia;
- (t) substance/medication-induced anxiety disorder;
- (u) substance/medication-induced psychotic disorder; or
- (v) substance use disorder.

corpse means the human remains or body parts of one or more persons who have met a violent or horrific death.

Note: Examples of a violent or horrific death may include death due to suicide, gunshot, improvised explosive devices, natural and technological disasters, terrorist attacks or motor vehicle accidents. Seeing a closed body bag or viewing a body in an open-casket coffin are excluded from this definition.

eyewitness means a person who experiences an incident first hand and can give direct evidence of it. This excludes persons exposed only to public broadcasting or mass media coverage of the incident.

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

peer means an individual of a similar age, with whom the person has a personal association, such as a classmate.

performing a self-injurious act means committing deliberate harm to one's own body and may include cutting, burning, hitting or poisoning. The injury is done independently, without the aid of another person, and is severe enough for tissue damage (such as scarring) to result. This definition excludes acts associated with suicidal intent and acts related to social and cultural rites of passage which result in cosmetic scarring.

persistent pain as specified means:

- (a) continuous pain; or
 - (b) almost continuous pain; or
 - (c) frequent, severe, intermittent pain;
- which is severe enough to interfere with usual work or leisure activities or activities of daily living.

relevant service means:

- (a) eligible war service (other than operational service) under the VEA;
- (b) defence service (other than hazardous service and British nuclear test defence service) under the VEA; or
- (c) peacetime service under the MRCA.

Note: *VEA* and *MRCA* are also defined in the Schedule 1 - Dictionary.

severe childhood abuse means:

- (a) serious physical, emotional, psychological or sexual harm whilst a child aged under 16 years; or
- (b) neglect involving a serious failure to provide the necessities for health, physical and emotional development, or wellbeing whilst a child aged under 16 years;

where such serious harm or neglect has been perpetrated by a parent, a care provider, an adult who works with or around that child, or any other adult in contact with that child.

severe level of disability means needing help with some or all activities of daily living (communication, mobility and self-care). This definition includes, for example, individuals with serious spinal injury, motor neurone disease or a disseminated malignancy.

significant other means a person who has a close family bond or a close personal relationship and is important or influential in one's life.

specified list of drugs means:

- (a) benzodiazepines;
- (b) corticosteroids, other than topical steroids; or
- (c) opioid analgesics.

suicide and attempted suicide—see subsection 7(2).

terminal event means the proximate or ultimate cause of death and includes the following:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

VEA means the *Veterans' Entitlements Act 1986*.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	
exp = expires/expired or ceases/ceased to have effect	reloc = relocated
F = Federal Register of Legislation	renum = renumbered
gaz = gazette	rep = repealed
LA = <i>Legislation Act 2003</i>	rs = repealed and substituted
LIA = <i>Legislative Instruments Act 2003</i>	s = section(s)/subsection(s)
(md) = misdescribed amendment can be given effect	Sch = Schedule(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sdiv = Subdivision(s)
mod = modified/modification	SLI = Select Legislative Instrument
No. = Number(s)	SR = Statutory Rules
	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Statement of Principles concerning suicide and attempted suicide (Balance of Probabilities) (No. 66 of 2016)</i>	04 July 2016 F2016L01149	25 July 2016	
<i>Amendment Statement of Principles concerning suicide and attempted suicide (Balance of Probabilities) (No. 27 of 2017)</i>	28 February 2017 F2017L00175	27 March 2017	
<i>Amendment Statement of Principles concerning suicide and attempted suicide (Balance of Probabilities) (No. 34 of 2018)</i>	6 March 2018 F2018L00209	2 April 2018	
<i>Veterans' Entitlements (Statements of Principles—Category 1B Stressor) Amendment Determination 2018 (No. 87 of 2018)</i>	28 August 2018 F2018L01188	24 September 2018	

Endnote 4—Amendment history

Provision affected	How affected
Clause 9(2).....	rs. Instrument No. 66 of 2016
Clause 9(3).....	rs. Instrument No. 66 of 2016
Clause 9(8).....	rs. Instrument No. 66 of 2016
Clause 9(8a).....	ad. Instrument No. 66 of 2016
Schedule 1 – Dictionary "category 2 stressor"...	rs. Instrument No. 66 of 2016
Subsection 9(8).....	rs. No. 34 of 2018
Subsection 9(8a).....	rep. No. 34 of 2018
Schedule 1 – Dictionary – category 2 stressor....	rs. No. 34 of 2018
Schedule 1 – Dictionary – category 1B stressor..	rs. No. 87 of 2018
Schedule 1 – Dictionary – eyewitness.....	rs. No. 87 of 2018
Schedule 1 – Dictionary – corpse.....	ad. No. 87 of 2018