Statement of Principles concerning adjustment disorder (Balance of Probabilities) (No. 24 of 2016)

made under subsection 196B(3) of the

Veterans' Entitlements Act 1986

Compilation No. 1

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 adjustment disorder (Balance of Probabilities) (No. 24 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
Statement of Principles concerning ADJUSTMENT DISORDER (Balance of Probabilities) (No. 24 of 2016)

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

Dated 4 March 2016
Statement of Principles concerning
Adjustment Disorder (Balance of Probabilities) (No. 24 of 2016)
Veterans’ Entitlements Act 1986

Compilation No. 1
Compilation date: 24/09/2018

Authorised Version F2018C00630 registered 24/09/2018
1 Name
This is the Statement of Principles concerning adjustment disorder (Balance of Probabilities) (No. 24 of 2016).

2 Commencement
This instrument commences on 4 April 2016.

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

4 Revocation
The Statement of Principles concerning adjustment disorder No. 38 of 2008 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 adjustment disorder and death from adjustment disorder.

Meaning of adjustment disorder
(2) For the purposes of this Statement of Principles, adjustment disorder means a disorder of mental health meeting the following diagnostic criteria (derived from DSM-5):
(a) The development of emotional or behavioural symptoms in response to an identifiable stressor(s) occurring within three months of the onset of the stressor(s).
(b) These symptoms or behaviours are clinically significant, as evidenced by one or both of the following:
(i) Marked distress that is out of proportion to the severity or intensity of the stressor, taking into account the external context and the cultural factors that might influence symptom severity and presentation; or

(ii) Significant impairment in social, occupational, or other important areas of functioning.

(c) The stress-related disturbance does not meet the criteria for another mental disorder and is not merely an exacerbation of a preexisting mental disorder.

(d) The symptoms do not represent normal bereavement.

(e) Once the stressor or its consequences have terminated, the symptoms do not persist for more than an additional six months.

Note: DSM-5 is defined in the Schedule 1 – Dictionary.

(3) While adjustment disorder attracts ICD-10-AM code F43.2, in applying this Statement of Principles the meaning of adjustment disorder is that given in subsection (2).


Death from adjustment disorder

(5) For the purposes of this Statement of Principles, adjustment disorder, in relation to a person, includes death from a terminal event or condition that was contributed to by the person’s adjustment disorder.

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 adjustment disorder and death from adjustment disorder 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, adjustment disorder or death from adjustment disorder is connected with the circumstances of a person’s relevant service:

(1) experiencing a category 1A stressor within the three months before the clinical onset of adjustment disorder;

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

(2) experiencing a category 1B stressor within the three months before the clinical onset of adjustment disorder;

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

(3) being exposed to repeated or extreme aversive details of severe traumatic events within the three months before the clinical onset of adjustment disorder;

Note: being exposed to repeated or extreme aversive details of severe traumatic events is defined in the Schedule 1 - Dictionary.

(4) having a significant other who experiences a category 1A stressor within the three months before the clinical onset of adjustment disorder;

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

(5) experiencing a category 2 stressor within the three months before the clinical onset of adjustment disorder;

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

(6) experiencing the death of a significant other within the three months before the clinical onset of adjustment disorder;

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

(7) having, or being diagnosed with, a medical illness or injury which is life-threatening or which results in serious physical or cognitive disability, within the three months before the clinical onset of adjustment disorder;

(8) having persistent pain of at least three months duration at the time of the clinical onset of adjustment disorder;

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

(9) having a severe, chronic medical condition within the three months before the clinical onset of adjustment disorder;

Note: severe, chronic medical condition is defined in the Schedule 1 - Dictionary.
(10) having a miscarriage, foetal death in-utero or stillbirth, within the three months before the clinical onset of adjustment disorder;

Note: miscarriage is defined in the Schedule 1 - Dictionary.

(11) inability to obtain appropriate clinical management for adjustment disorder.

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(11) applies only to material contribution to, or aggravation of, adjustment disorder where the person’s adjustment disorder 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:

adjustment disorder—see subsection 7(2).

being exposed to repeated or extreme aversive details of severe traumatic events means witnessing a person suffering real, severe, traumatic events (for example, first responders collecting human remains, police officers repeatedly exposed to details of child abuse or drone operators viewing planned strikes) or repeatedly listening to a person's account of their exposure to severe traumatic events. This definition includes media exposure of the traumatic event (for example, electronic media, television images or photographs) where viewing these images is a work requirement.

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 on-going distress, concern or worry:

(a) being socially isolated and unable to maintain friendships or family relationships, due to physical location, language barriers, disability, or medical or psychiatric illness;
(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 on-going 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, or experiencing bullying in the workplace or school environment;

(d) experiencing serious legal issues including being detained or held in custody, on-going 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.

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.

miscarriage means the spontaneous or induced expulsion of the products of conception from the uterus before the foetus is viable.


persistent pain 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.

severe, chronic medical condition means an illness which substantially impacts on social, occupational or other important areas of functioning; and requires on-going daily or almost daily management of symptoms. This management may include, but is not limited to, assistance with activities of daily living; bed rest; dietary modification; drug therapy; nursing care;
oxygen therapy or physiotherapy. This management must be supervised by a registered health practitioner.

Severe, chronic medical conditions do not usually resolve spontaneously, are rarely cured completely and may progress to life threatening illnesses. Examples of these conditions include poorly controlled asthma, chronic obstructive pulmonary disease, poorly controlled diabetes mellitus, inflammatory bowel disease, pemphigus, psoriasis and rheumatoid arthritis.

**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.

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

- pneumonia;
- respiratory failure;
- cardiac arrest;
- circulatory failure; or
- 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.
Statement of Principles concerning
Adjustment Disorder (Balance of Probabilities) (No. 24 of 2016)
Veterans’ Entitlements Act 1986

Compilation No. 1

Compilation date: 24/09/2018

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted
am = amended
amdt = amendment
c = clause(s)
C[x] = Compilation No. x
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
exp = expires/expired or ceases/ceased to have effect
F = Federal Register of Legislation
gaz = gazette
LA = Legislation Act 2003
LIA = Legislative Instruments Act 2003
(md) = misdescribed amendment can be given effect
(md not incorp) = misdescribed amendment cannot be given effect
mod = modified/modification
No. = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s)
pres = present
(prev…) = previously
Pt = Part(s)
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)/subsection(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)
underlining = whole or part not commenced or to be commenced
### Endnote 3—Legislation history

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