Statement of Principles concerning personality disorder (Balance of Probabilities) (No. 18 of 2018)

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 personality disorder (Balance of Probabilities) (No. 18 of 2018) 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 PERSONALITY DISORDER (Balance of Probabilities) (No. 18 of 2018)

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

Dated 2 March 2018
# Statement of Principles concerning Personalty Disorder (Balance of Probabilities) (No. 18 of 2018)

**Veterans' Entitlements Act 1986**

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**Statement of Principles concerning Personality Disorder (Balance of Probabilities) (No. 18 of 2018)**

_Veterans' Entitlements Act 1986_

Compilation No. 1

Compilation date: 24/09/2018

Authorised Version F2018C00650 registered 24/09/2018
1 Name
This is the Statement of Principles concerning personality disorder (Balance of Probabilities) (No. 18 of 2018).

2 Commencement
This instrument commences on 2 April 2018.

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

4 Revocation
The Statement of Principles concerning personality disorder No. 71 of 2008, as amended, made under subsections 196B(3) and (8) 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 personality disorder and death from personality disorder.

Meaning of personality disorder
(2) For the purposes of this Statement of Principles, personality disorder means a disorder of mental health that meets the following diagnostic criteria (derived from DSM-5):

A. An enduring pattern of inner experience and behaviour that deviates markedly from the expectations of the individual's culture. This pattern is manifested in two (or more) of the following areas:

(i) cognition (that is, ways of perceiving and interpreting self, other people and events);
(ii) affectivity (that is, the range, intensity, lability and appropriateness of emotional response); 

(iii) interpersonal functioning; or 

(iv) impulse control.

B. The enduring pattern is inflexible and pervasive across a broad range of personal and social situations.

C. The enduring pattern leads to clinically significant distress or impairment in social, occupational or other important areas of functioning.

D. The pattern is stable and of long duration, and its onset can be traced back at least to adolescence or early adulthood.

E. The enduring pattern is not better explained as a manifestation or consequence of another mental disorder.

F. The enduring pattern is not attributable to the physiological effects of a substance (for example, a drug of abuse, a medication) or another medical condition (for example, head trauma).

Note 1: The definition of personality disorder includes paranoid personality disorder, schizoid personality disorder, schizotypal personality disorder, antisocial personality disorder, borderline personality disorder, histrionic personality disorder, narcissistic personality disorder, avoidant personality disorder, dependent personality disorder, obsessive-compulsive personality disorder, other specified personality disorder and unspecified personality disorder.

Note 2: The definition of personality disorder excludes personality change due to another medical condition.

Note 3: DSM-5 and personality change due to another medical condition are defined in the Schedule 1 - Dictionary.

(3) While personality disorder attracts ICD-10-AM code:

(a) F60.0 (paranoid personality disorder);
(b) F60.1 (schizoid personality disorder);
(c) F21 (schizotypal personality disorder);
(d) F60.2 (antisocial personality disorder);
(e) F60.31 (borderline personality disorder);
(f) F60.4 (histrionic personality disorder);
(g) F60.8 (narcissistic personality disorder);
(h) F60.6 (avoidant personality disorder);
(i) F60.7 (dependent personality disorder);
(j) F60.5 (obsessive-compulsive personality disorder); or
(k) F60.9 (other specified personality disorder and unspecified personality disorder);

in applying this Statement of Principles the meaning of personality disorder is that given in subsection (2).

**Death from personality disorder**

(5) For the purposes of this Statement of Principles, personality disorder, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's personality 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 personality disorder and death from personality disorder can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *MRCA, relevant service and VEA* are 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, personality disorder or death from personality disorder is connected with the circumstances of a person's relevant service:

(1) experiencing a category 1A stressor within the one year before the clinical onset of personality disorder;

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

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

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

(3) experiencing severe childhood abuse before the clinical onset of personality disorder;

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

(4) having a clinically significant disorder of mental health as specified, within the five years before the clinical onset of personality disorder;

Note: *clinically significant disorder of mental health as specified* is defined in the Schedule 1 - Dictionary.
(5) experiencing a category 1A stressor within the one year before the clinical worsening of personality disorder;

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

(6) experiencing a category 1B stressor within the six months before the clinical worsening of personality disorder;

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

(7) experiencing severe childhood abuse before the clinical worsening of personality disorder;

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

(8) having a clinically significant disorder of mental health as specified, within the five years before the clinical worsening of personality disorder;

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

(9) inability to obtain appropriate clinical management for personality 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 factors set out in subsections 9(5) to 9(9) apply only to material contribution to, or aggravation of, personality disorder where the person's personality 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.
1 Definitions

In this instrument:

**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.

**clinically significant disorder of mental health as specified** means one of the following conditions, which is of sufficient severity to warrant ongoing management:
(a) acute stress disorder;
(b) agoraphobia;
(c) alcohol use disorder;
(d) anxiety disorder;
(e) attention-deficit/hyperactivity disorder (including other specified attention-deficit/hyperactivity disorder and unspecified attention-deficit/hyperactivity disorder);
(f) bipolar disorder;
(g) conduct disorder (including other specified disruptive, impulse-control, and conduct disorder and unspecified disruptive, impulse-control, and conduct disorder);
(h) depressive disorder;
(i) eating disorder;
(j) gambling disorder;
(k) gender dysphoria;
(l) obsessive-compulsive disorder;
(m) oppositional defiant disorder;
(n) panic disorder;
(o) posttraumatic stress disorder;
(p) schizophrenia;
(q) social anxiety disorder;
(r) somatic symptom disorder;
(s) specific phobia; or
(t) substance use disorder.

Note 1: "Management" of the condition may involve regular visits (for example, at least monthly) to a psychiatrist, counsellor or general practitioner.

Note 2: To "warrant ongoing management" does not require that any actual management was received or given for the condition.

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.


personality change due to another medical condition means a disorder of mental health (derived from DSM-5) which is characterised by a persistent personality disturbance that is due to the direct physiological effects of a medical condition (for example, frontal lobe lesion, ischaemic stroke or cerebral trauma).

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

personality disorder—see subsection 7(2).

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: MRCA and VEA 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.
**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
par = paragraph(s)/subparagraph(s)
c = clause(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)  reloc = relocated
exp = expires/expired or ceases/ceased to have  renum = renumbered
effect
F = Federal Register of Legislation  rep = repealed
F2018C00650  rs = repealed and substituted
gaz = gazette  s = section(s)/subsection(s)
l = Legislation Act 2003  Sch = Schedule(s)
LA = Legislation Act 2003  Sdiv = Subdivision(s)
LIA = Legislative Instruments Act 2003  SLI = Select Legislative Instrument
(md) = misdescribed amendment can be given  SR = Statutory Rules
effect  Sub-Ch = Sub-Chapter(s)
(md not incorp) = misdescribed amendment  SubPt = Subpart(s)
cannot be given effect
mod = modified/modification  underlining = whole or part not
No. = Number(s)  commenced or to be commenced
Endnote 3—Legislation history

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## Endnote 4—Amendment history

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