Statement of Principles concerning posttraumatic stress disorder No. 82 of 2014

made under subsection 196B(2) 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 posttraumatic stress disorder No. 82 of 2014* 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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

POSTTRAUMATIC STRESS DISORDER

No. 82 of 2014

for the purposes of the

Veterans’ Entitlements Act 1986

and

Military Rehabilitation and Compensation Act 2004

Title

1. This Instrument may be cited as Statement of Principles concerning posttraumatic stress disorder No. 82 of 2014.

Determination

2. The Repatriation Medical Authority under subsection 196B(2) and (8) of the Veterans’ Entitlements Act 1986 (the VEA):

(a) revokes Instrument No. 5 of 2008, as amended by Instrument No. 19 of 2014, concerning posttraumatic stress disorder; and

(b) determines in their place this Statement of Principles.

Kind of injury, disease or death

3. (a) This Statement of Principles is about posttraumatic stress disorder and death from posttraumatic stress disorder.
(b) For the purposes of this Statement of Principles, "posttraumatic stress disorder" means a psychiatric disorder which meets the following criteria (derived from DSM-5):

A. Exposure to actual or threatened death, serious injury, or sexual violence in one (or more) of the following ways:
   (i) directly experiencing the traumatic event(s);
   (ii) witnessing, in person, the event(s) as it occurred to others;
   (iii) learning that the traumatic event(s) occurred to a close family member or close friend. In cases of actual or threatened death of a family member or friend, the event(s) must have been violent or accidental; or
   (iv) experiencing repeated or extreme exposure to aversive details of the traumatic event(s) (for example, first responders collecting human remains; police officers repeatedly exposed to details of child abuse). This criterion does not apply to exposure through electronic media, television, movies, or pictures, unless this exposure is work related; and

B. Presence of one (or more) of the following intrusion symptoms associated with the traumatic event(s), beginning after the traumatic event(s) occurred:
   (i) recurrent, involuntary, and intrusive distressing memories of the traumatic event(s). In children older than six years, repetitive play may occur in which themes or aspects of the traumatic event(s) are expressed;
   (ii) recurrent distressing dreams in which the content and/or affect of the dream are related to the traumatic event(s). In children, there may be frightening dreams without recognisable content;
   (iii) dissociative reactions (for example, flashbacks) in which the individual feels or acts as if the traumatic event(s) were recurring. (Such reactions may occur on a continuum, with the most extreme expression being a complete loss of awareness of present surroundings.) In children, trauma-specific reenactment may occur in play;
   (iv) intense or prolonged psychological distress at exposure to internal or external cues that symbolise or resemble an aspect of the traumatic event(s); or
   (v) marked physiological reactions to internal or external cues that symbolise or resemble an aspect of the traumatic event(s); and
C. Persistent avoidance of stimuli associated with the traumatic event(s), beginning after the traumatic event(s) occurred, as evidenced by one or both of the following:

(i) avoidance of or efforts to avoid distressing memories, thoughts, or feelings about or closely associated with the traumatic event(s); or

(ii) avoidance of or efforts to avoid external reminders (people, places, conversations, activities, objects, situations) that arouse distressing memories, thoughts, or feelings about or closely associated with the traumatic event(s); and

D. Negative alterations in cognitions and mood associated with the traumatic event(s), beginning or worsening after the traumatic event(s) occurred, as evidenced by two (or more) of the following:

(i) inability to remember an important aspect of the traumatic event(s) (typically due to dissociative amnesia and not to other factors such as head injury, alcohol, or drugs);

(ii) persistent and exaggerated negative beliefs or expectations about oneself, others, or the world (for example, “I am bad”, “None can be trusted”, “The world is completely dangerous”, “My whole nervous system is permanently ruined”);

(iii) persistent, distorted cognitions about the cause or consequences of the traumatic event(s) that lead the individual to blame himself/herself or others;

(iv) persistent negative emotional state (for example, fear, horror, anger, guilt, or shame);

(v) markedly diminished interest or participation in significant activities;

(vi) feelings of detachment or estrangement from others; or

(vii) persistent inability to experience positive emotions (for example, inability to experience happiness, satisfaction, or loving feelings); and

E. Marked alterations in arousal and reactivity associated with the traumatic event(s), beginning or worsening after the traumatic event(s) occurred, as evidenced by two (or more) of the following:

(i) irritable behaviour and angry outbursts (with little or no provocation) typically expressed as verbal or physical aggression toward people or objects;
(ii) reckless or self-destructive behavior;
(iii) hypervigilance;
(iv) exaggerated startle response;
(v) problems with concentration; or
(vi) sleep disturbance (for example, difficulty falling or staying asleep or restless sleep); and

F. Duration of the disturbance (Criteria B, C, D, and E) is more than 1 month; and

G. The disturbance causes clinically significant distress or impairment in social, occupational, or other important areas of functioning; and

H. The disturbance is not attributable to the physiological effects of a substance (for example, medication, alcohol) or another medical condition.

(c) Posttraumatic stress disorder attracts ICD-10-AM code F43.1.

(d) In the application of this Statement of Principles, the definition of "posttraumatic stress disorder" is that given at paragraph 3(b) above.

Basis for determining the factors

4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that posttraumatic stress disorder and death from posttraumatic stress disorder can be related to relevant service rendered by veterans, members of Peacekeeping Forces, or members of the Forces under the VEA, or members under the Military Rehabilitation and Compensation Act 2004 (the MRCA).

Factors that must be related to service

5. Subject to clause 7, at least one of the factors set out in clause 6 must be related to the relevant service rendered by the person.

Factors

6. The factor that must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting posttraumatic stress disorder or death from posttraumatic stress disorder with the circumstances of a person’s relevant service is:

(a) experiencing a category 1A stressor before the clinical onset of posttraumatic stress disorder; or
(b) experiencing a category 1B stressor before the clinical onset of posttraumatic stress disorder; or

(c) living or working in a hostile or life-threatening environment for a period of at least four weeks before the clinical onset of posttraumatic stress disorder; or

(d) having a significant other who experiences a category 1A stressor within the one year before the clinical onset of posttraumatic stress disorder; or

(e) experiencing the traumatic death of a significant other within the two years before the clinical onset of posttraumatic stress disorder; or

(f) being exposed to repeated or extreme aversive details of severe traumatic events before the clinical onset of posttraumatic stress disorder; or

(g) being the victim of severe childhood abuse before the clinical onset of posttraumatic stress disorder; or

(h) experiencing a category 1A stressor before the clinical worsening of posttraumatic stress disorder; or

(i) experiencing a category 1B stressor before the clinical worsening of posttraumatic stress disorder; or

(j) living or working in a hostile or life-threatening environment for a period of at least four weeks before the clinical worsening of posttraumatic stress disorder; or

(k) having a significant other who experiences a category 1A stressor within the one year before the clinical worsening of posttraumatic stress disorder; or

(l) experiencing the traumatic death of a significant other within the two years before the clinical worsening of posttraumatic stress disorder; or

(m) being exposed to repeated or extreme aversive details of severe traumatic events before the clinical worsening of posttraumatic stress disorder; or

(n) being the victim of severe childhood abuse before the clinical worsening of posttraumatic stress disorder; or

(o) inability to obtain appropriate clinical management for posttraumatic stress disorder.
Factors that apply only to material contribution or aggravation

7. Paragraphs 6(h) to 6(o) apply only to material contribution to, or aggravation of, posttraumatic stress disorder where the person’s posttraumatic stress disorder was suffered or contracted before or during (but not arising out of) the person’s relevant service.

Inclusion of Statements of Principles

8. In this Statement of Principles if a relevant factor applies and that factor includes an injury or disease in respect of which there is a Statement of Principles then the factors in that last mentioned Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Other definitions

9. For the purposes of this Statement of Principles:

"a 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;

"a 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;

"a 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.

"a hostile or life-threatening environment" means a situation or setting which is characterised by a pervasive threat to life or bodily integrity, such as would be experienced in the following circumstances:
(a) experiencing or being under threat of artillery, missile, rocket, mine or bomb attack;

"a corpse" means the human remains or body parts of one or more persons who have met a violent or horrific death;
(b) experiencing or being under threat of nuclear, biological or chemical agent attack; or
(c) being involved in combat or going on combat patrols;

"a 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;

"an 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;

"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;

"death from posttraumatic stress disorder" in relation to a person includes death from a terminal event or condition that was contributed to by the person’s posttraumatic stress disorder;


"ICD-10-AM code" means a number assigned to a particular kind of injury or disease in The International Statistical Classification of Diseases and Related Health Problems, 10th Revision, Australian Modification (ICD-10-AM), Eighth Edition, effective date of 1 July 2013, copyrighted by the Independent Hospital Pricing Authority, and having ISBN 978-1-74128-213-9;

"relevant service" means:
(a) operational service under the VEA;
(b) peacekeeping service under the VEA;
(c) hazardous service under the VEA;
(d) British nuclear test defence service under the VEA;
(e) warlike service under the MRCA; or
(f) non-warlike service under the MRCA;
"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:
(a) pneumonia;
(b) respiratory failure;
(c) cardiac arrest;
(d) circulatory failure; or
(e) cessation of brain function;

"traumatic death" means death which occurs in sudden, violent or traumatic circumstances such as homicide, suicide or an accidental death.

Application
10. This Instrument applies to all matters to which section 120A of the VEA or section 338 of the MRCA applies.

Date of effect
11. This Instrument takes effect from 22 September 2014.
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 Posttraumatic Stress Disorder

Instrument No. 82 of 2014

Veterans' Entitlements Act 1986

Compilation No. 1

Compilation date: 24/09/2018

Authorised Version F2018C00655 registered 24/09/2018
### Endnote 3—Legislation history

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