

REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 27 of 2008

***VETERANS' ENTITLEMENTS ACT 1986***  
***MILITARY REHABILITATION AND COMPENSATION ACT 2004***

**EXPLANATORY NOTES FOR TABLING**

1. The Repatriation Medical Authority (the Authority), under subsection 196B(8) of the *Veterans' Entitlements Act 1986* (the VEA) revokes Instrument No. 17 of 2007 determined under subsection 196B(2) of the VEA concerning **depressive disorder** and **death from depressive disorder**.
2. The Authority is of the view that there is sound medical-scientific evidence that indicates that **depressive disorder** and **death from depressive disorder** can be related to particular kinds of service. The Authority has therefore determined pursuant to subsection 196B(2) of the VEA a Statement of Principles, Instrument No. 27 of 2008 concerning depressive disorder. This Instrument will in effect replace the revoked Statement of Principles.
3. The provisions of the *Military Rehabilitation and Compensation Act 2004* (the MRCA) relating to claims for compensation commenced on 1 July 2004. Claims under section 319 of the MRCA for acceptance of liability for a service injury sustained, a service disease contracted or service death on or after 1 July 2004 are determined by the Military Rehabilitation and Compensation Commission by reference to Statements of Principles issued by the Authority pursuant to the VEA.
4. The Statement of Principles sets out the factors that must as a minimum exist, and which of those factors must be related to the following kinds of service rendered by a person:
  - operational service under the VEA;
  - peacekeeping service under the VEA;
  - hazardous service under the VEA;
  - warlike service under the MRCA;
  - non-warlike service under the MRCA,

before it can be said that a reasonable hypothesis has been raised connecting depressive disorder or death from depressive disorder, with the circumstances of that service.

5. This new instrument results from an investigation notified by the Authority in the Government Notices Gazette of 19 December 2007 concerning depressive disorder and from an investigation notified by the Authority in the Government Notices Gazette of 28 February 2007 concerning substance induced mood disorder, in accordance with section 196G of the VEA. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority, including the sound medical-scientific evidence it has previously considered.
6. The contents of the new Instrument are in similar terms as the revoked Instrument. Comparing the new and the revoked Instruments, the differences include:
  - adopting the latest revised Instrument format, which commenced in 2005;
  - deleting the ICD code from the Instrument header;
  - revising the definition of 'depressive disorder' in clause 3;
  - revising factors 6(a)(xii) & 6(n) concerning 'miscarriage, foetal death in-utero, or stillbirth';
  - new factor 6(b) concerning 'substance-induced mood disorder with depressive features';
  - new factor 6(c) concerning 'mood disorder due to a general medical condition';
  - new factor 6(o) concerning 'being treated with a drug';
  - new factor 6(p) concerning 'therapeutic or illicit drugs';
  - new factor 6(q) concerning 'a drug from a class of drugs in Specified List 1';
  - new factor 6(r) concerning 'a drug in Specified List 2';
  - new factor 6(s) concerning 'acute cholinergic poisoning';
  - new factor 6(t) concerning 'organic solvents';
  - new factor 6(u) concerning 'a medical condition as specified';
  - new definitions of 'mood disorder due to a general medical condition with depressive features, or with major depressive-like episodes' and 'substance-induced mood disorder with depressive features' in clause 3(b);
  - new definitions of 'acute cholinergic poisoning', 'a drug from a class of drugs in Specified List 1', 'a drug in Specified List 2', 'a medical condition as specified', 'an organophosphorus ester', 'inhalants', 'miscarriage', 'organic solvents', and 'the general medical condition is a direct physiological cause of the depression' in clause 9; and
  - specifying a date of effect for the Instrument in clause 11.
7. This new instrument incorporates by reference the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DSM-IV-TR), American Psychiatric Association, Washington DC 2000. A copy of this document is available from the offices of the Repatriation Medical Authority, Level 8, Bank of Queensland Building, 259 Queen St, Brisbane Queensland 4000, by contacting the Registrar on telephone (07) 3815 9404.
8. Further changes to the format of the Instrument reflect the commencement of the MRCA and clarify that pursuant to subsection 196B(3A) of the VEA, the Statement of Principles has been determined for the purposes of both the VEA and the MRCA.

9. Prior to determining this instrument, the Authority advertised its intention to undertake an investigation in relation to depressive disorder in the Government Notices Gazette of 19 December 2007 and an investigation in relation to substance induced mood disorder in the Government Notices Gazette of 28 February 2007, and circulated a copy of the notices 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. No submissions were received with respect to depressive disorder and one submission was received with respect to substance induced mood disorder, for consideration by the Authority during the investigations.
10. The determining of this new instrument finalises the investigation in relation to depressive disorder, as advertised in the Government Notices Gazette of 19 December 2007 and the investigation in relation to substance induced mood disorder, as advertised in the Government Notices Gazette of 28 February 2007.
11. A list of references relating to the above condition is available, on written request, from the Repatriation Medical Authority Secretariat.