



Australian Government
Repatriation Medical Authority

REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 88 OF 2014

VETERANS' ENTITLEMENTS ACT 1986
MILITARY REHABILITATION AND COMPENSATION ACT 2004

EXPLANATORY NOTES FOR TABLING

1. The Repatriation Medical Authority (the Authority) has determined, under subsection 196B(2) & (8) of the *Veterans' Entitlements Act 1986* (the VEA) Amendment Statement of Principles Instrument No. 88 of 2014 concerning **diabetes mellitus**.
2. This Instrument amends Statement of Principles Instrument No. 89 of 2011 concerning **diabetes mellitus** by:
 - replacing factors 6(b)(xii) & 6(j)(xii) concerning 'posttraumatic stress disorder, depressive disorder, bipolar disorder or schizophrenia';
 - replacing factors 6(f) & 6(n) concerning 'being treated with a drug or a drug from a class of drugs from specified list 1';
 - inserting new factors 6(fa) & 6(na) concerning 'being treated with a drug or a drug from a class of drugs from specified list 3';
 - inserting new definitions of 'a drug or a drug from a class of drugs from specified list 1' and 'a drug or a drug from a class of drugs from specified list 3' in clause 9;
 - replacing the definition of 'relevant service' in clause 9; and
 - deleting the definition of 'a drug or a drug from a class of drugs from the specified list' in clause 9.
3. This Instrument also specifies a date of effect for the amendment in accordance with subsection 12(1)(a) of the *Legislative Instruments Act 2003*.
4. Prior to determining this Instrument, the Authority advertised its intention to undertake an investigation in relation to diabetes mellitus in the Government Notices Gazette of 21 August 2013, and circulated a copy of the notice 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. One submission was received for consideration by the Authority during the investigation.
5. This instrument is compatible with the Human Rights and Freedoms recognised or declared in the International Instruments listed in Section 3 of the *Human Rights*

(Parliamentary Scrutiny) Act 2011. A Statement of Compatibility with Human Rights follows.

6. The determining of this Instrument finalises the investigation in relation to diabetes mellitus as advertised in the Government Notices Gazette of 21 August 2013.
7. A list of references relating to the above condition is available to any person or organisation referred to in subsection 196E(1)(a) to (c) of the VEA. Any such request must be made in writing to the Repatriation Medical Authority at the following address:

The Registrar
Repatriation Medical Authority
GPO Box 1014
BRISBANE QLD 4001

Human Rights Implications

4. This Legislative Instrument does not derogate from any human rights. It promotes the human rights of veterans, current and former Defence Force members as well as other persons such as their dependents, including:
- the right to social security (Art 9, *International Covenant on Economic, Social and Cultural Rights*; Art 26, *Convention on the Rights of the Child* and Art 28, *Convention on the Rights of Persons with Disabilities*) by helping to ensure that the qualifying conditions for the benefit are 'reasonable, proportionate and transparent'¹;
 - the right to an adequate standard of living (Art 11, ICSECR; Art 27, CRC and Art 28, CRPD) by facilitating the assessment and determination of social security benefits;
 - the right to the enjoyment of the highest attainable standard of physical and mental health (Art 12, ICSECR and Art 25, CRPD), by facilitating the assessment and determination of compensation and benefits in relation to the treatment and rehabilitation of veterans and Defence Force members; and
 - the rights of persons with disabilities by facilitating the determination of claims relating to treatment and rehabilitation (Art 26, CRPD).

Conclusion

This Legislative Instrument is compatible with human rights as it does not derogate from and promotes a number of human rights.

Repatriation Medical Authority

¹ In General Comment No. 19 (The right to social security), the Committee on Economic, Social and Cultural Rights said (at paragraph 24) this to be one of the elements of ensuring accessibility to social security.