



# **Statement of Principles concerning substance use disorder (Balance of Probabilities) (No. 60 of 2017)**

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 substance use disorder (Balance of Probabilities) (No. 60 of 2017)* 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](http://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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.



**Australian Government**  
**Repatriation Medical Authority**

**Statement of Principles**  
**concerning**  
**SUBSTANCE USE DISORDER**  
**(Balance of Probabilities)**  
**(No. 60 of 2017)**

---

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

Dated 3 November 2017

---

*Statement of Principles concerning*  
*Substance Use Disorder (Balance of Probabilities) (No. 60 of 2017)*  
*Veterans' Entitlements Act 1986*

1

---

## Contents

1	Name .....	3
2	Commencement .....	3
3	Authority .....	3
4	Revocation .....	3
5	Application.....	3
6	Definitions.....	3
7	Kind of injury, disease or death to which this Statement of Principles relates .....	3
8	Basis for determining the factors .....	5
9	Factors that must exist.....	5
10	Relationship to service .....	6
11	Factors referring to an injury or disease covered by another Statement of Principles.....	6
<b>Schedule 1 - Dictionary .....</b>		<b>8</b>
1	Definitions.....	8

---

**1 Name**

This is the Statement of Principles concerning *substance use disorder (Balance of Probabilities)* (No. 60 of 2017).

**2 Commencement**

This instrument commences on 4 December 2017.

**3 Authority**

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

**4 Revocation**

The Statement of Principles concerning substance use disorder No. 4 of 2009, 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 substance use disorder and death from substance use disorder.

*Meaning of substance use disorder*

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

A problematic pattern of substance use leading to clinically significant impairment or distress, as manifested by at least four of the following criteria, occurring within a 12-month period:

- A. Substances are often taken in larger amounts or over a longer period than was intended.

- 
- B. There is a persistent desire or unsuccessful efforts to cut down or control substance use.
  - C. A great deal of time is spent in activities necessary to obtain the substance, use the substance, or recover from its effects.
  - D. Craving, or a strong desire or urge to use substances.
  - E. Recurrent substance use resulting in a failure to fulfil major role obligations at work, school, or home.
  - F. Continued substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of substances.
  - G. Important social, occupational, or recreational activities are given up or reduced because of substance use.
  - H. Recurrent substance use in situations in which it is physically hazardous.
  - I. Continued substance use despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance.
  - J. Tolerance, as defined by either of the following:
    - (i) a need for markedly increased amounts of substances to achieve intoxication or desired effect; or
    - (ii) a markedly diminished effect with continued use of the same amount of a substance.

Note: This criterion is not considered to be met for those individuals taking substances solely under appropriate medical supervision.

- K. For substances other than hallucinogens or inhalants, withdrawal, as manifested by either of the following:
  - (i) the characteristic substance withdrawal syndrome; or
  - (ii) substances (or a closely related substance) are taken to relieve or avoid withdrawal symptoms.

Note: This criterion is not considered to be met for those individuals taking substances solely under appropriate medical supervision.

Note: The definition of substance use disorder excludes alcohol use disorder and acute substance intoxication in the absence of substance use disorder.

Note: *DSM-5* and *substance* are defined in the Schedule 1 - Dictionary.

### *Death from substance use disorder*

- (3) For the purposes of this Statement of Principles, substance use disorder, in relation to a person, includes death from a terminal event

---

or condition that was contributed to by the person's substance use 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 substance use disorder and death from substance use 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, substance use disorder or death from substance use disorder is connected with the circumstances of a person's relevant service:

- (1) having a clinically significant disorder of mental health as specified at the time of the clinical onset of substance use disorder;

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

- (2) experiencing a category 1A stressor within the two years before the clinical onset of substance use disorder;

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

- (3) experiencing a category 1B stressor within the two years before the clinical onset of substance use disorder;

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

- (4) experiencing the death of a significant other within the five years before the clinical onset of substance use disorder;

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

- (5) having a medical or psychiatric condition for which a substance was medically prescribed, at the time of the clinical onset of substance use disorder, where the substance use disorder involves one or more agents from the same pharmacological class as the prescribed medication;

- (6) experiencing severe childhood abuse before the clinical onset of substance use disorder;

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

- 
- (7) experiencing a category 2 stressor within the six months before the clinical onset of substance use disorder;  
Note: *category 2 stressor* is defined in the Schedule 1 - Dictionary.
  - (8) having a clinically significant disorder of mental health as specified at the time of the clinical worsening of substance use disorder;  
Note: *clinically significant disorder of mental health as specified* is defined in the Schedule 1 - Dictionary.
  - (9) experiencing a category 1A stressor within the two years before the clinical worsening of substance use disorder;  
Note: *category 1A stressor* is defined in the Schedule 1 - Dictionary.
  - (10) experiencing a category 1B stressor within the two years before the clinical worsening of substance use disorder;  
Note: *category 1B stressor* is defined in the Schedule 1 - Dictionary.
  - (11) experiencing the death of a significant other within the five years before the clinical worsening of substance use disorder;  
Note: *significant other* is defined in the Schedule 1 - Dictionary.
  - (12) experiencing severe childhood abuse before the clinical worsening of substance use disorder;  
Note: *severe childhood abuse* is defined in the Schedule 1 - Dictionary.
  - (13) experiencing a category 2 stressor within the six months before the clinical worsening of substance use disorder;  
Note: *category 2 stressor* is defined in the Schedule 1 - Dictionary.
  - (14) inability to obtain appropriate clinical management for substance use 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(8) to 9(14) apply only to material contribution to, or aggravation of, substance use disorder where the person's substance use 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:

**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 ongoing 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 ongoing 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, ongoing 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.

Note: *significant other* is 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) adjustment disorder;
- (c) agoraphobia;
- (d) alcohol use disorder;
- (e) Alzheimer-type dementia;
- (f) anxiety disorder;
- (g) attention-deficit/hyperactivity disorder;
- (h) bipolar disorder;
- (i) conduct disorder;
- (j) depressive disorder;
- (k) eating disorder;
- (l) gambling disorder;
- (m) gender dysphoria;
- (n) obsessive-compulsive disorder;
- (o) panic disorder;
- (p) paraphilic disorder;
- (q) personality disorder;
- (r) posttraumatic stress disorder;
- (s) schizophrenia;
- (t) sexual dysfunction;
- (u) social anxiety disorder;
- (v) somatic symptom disorder;
- (w) specific phobia; or
- (x) vascular dementia.

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.

---

**DSM-5** means the American Psychiatric Association: *Diagnostic and Statistical Manual of Mental Disorders*, Fifth Edition. Arlington, VA, American Psychiatric Association, 2013.

**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.

**MRCA** means the Military Rehabilitation and Compensation Act 2004.

**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.

**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.

**substance** means any of the following substances, alone or in combination:

- (a) amphetamine-type substances;
- (b) cannabis and cannabis derivatives;
- (c) cocaine;
- (d) hallucinogens, including phencyclidine and pharmacologically similar substances;
- (e) hydrocarbon-based inhalants;
- (f) opioids, and opioid derivatives and synthetic opioids with morphine-like effects;
- (g) sedatives, hypnotics and anxiolytics, including barbiturates, nonbarbiturate sedatives and benzodiazepines, and tranquillisers with similar effect; or
- (h) tobacco.

**substance use disorder**—see subsection 7(2).

---

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

---

**Endnote 3—Legislation history**

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
<i>Statement of Principles concerning substance use disorder (Balance of Probabilities) (No. 60 of 2017)</i>	6 November 2017 F2017L01445	4 December 2017	
<i>Veterans' Entitlements (Statements of Principles—Category 1B Stressor) Amendment Determination 2018 (No. 87 of 2018)</i>	28 August 2018 F2018L01188	24 September 2018	

---



**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
Schedule 1 – Dictionary – category 1B stressor..	rs. No. 87 of 2018
Schedule 1 – Dictionary – corpse.....	ad. No. 87 of 2018