

## REPATRIATION MEDICAL AUTHORITY

### INSTRUMENT NO. 68 of 2009

#### *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. 9 of 1999, as amended by Instrument No. 58 of 1999, determined under subsection 196B(2) of the VEA concerning **panic disorder**.
2. The Authority is of the view that there is sound medical-scientific evidence that indicates that **panic disorder** and **death from panic 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. 68 of 2009 concerning panic disorder. This Instrument will in effect replace the revoked Statements 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 panic disorder or death from panic 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 8 November 2006 concerning panic 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 Instruments. 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 'panic disorder' in clause 3;
  - rewording 6(a) & 6(i) concerning 'experiencing a category 1A stressor', to revise the factor relating to 'experiencing a severe stressor';
  - rewording 6(b) & 6(j) concerning 'experiencing a category 1B stressor', to revise the factor relating to 'experiencing a severe stressor';
  - new factor 6(c) concerning 'severe childhood abuse';
  - new factors 6(d) & (k) concerning 'the death of a significant other';
  - new factor 6(e) concerning 'a clinically significant psychiatric condition from specified list 1';
  - new factors 6(f) & (m) concerning 'a medical illness or injury';
  - new factor 6(g) concerning 'moderate to severe cerebral trauma';
  - new factors 6(h) & (n) concerning 'epilepsy';
  - new factor 6(l) concerning 'a clinically significant psychiatric condition from specified list 2';
  - new definitions of 'a category 1A stressor', 'a category 1B stressor', 'a clinically significant psychiatric condition from specified list 1', 'a clinically significant psychiatric condition from specified list 2', 'a significant other', 'an eyewitness', 'DSM-IV-TR', 'ICD-10-AM code', 'moderate to severe cerebral trauma', 'obsessive-compulsive disorder', 'phobic anxiety', 'severe childhood abuse' and 'substance-induced anxiety disorder' in clause 9;
  - revising definitions of 'panic attack' and 'relevant service' in clause 9;
  - deleting definitions of 'experiencing a severe stressor', 'DSM-IV' and 'ICD-9-CM code'; 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 panic disorder in the Government Notices Gazette of 8 November 2006, 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. No submissions were received for consideration by the Authority during the investigation.
10. The determining of this new instrument finalises the investigation in relation to panic disorder as advertised in the Government Notices Gazette of 8 November 2006.
11. 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 Secretariat  
GPO Box 1014  
BRISBANE QLD 4001