

Statement of Principles
concerning

DRUG DEPENDENCE AND DRUG ABUSE

No. 3 of 2009

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 drug dependence and drug abuse No. 3 of 2009.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 15 of 2008 concerning drug dependence and drug abuse; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3. (a) This Statement of Principles is about **drug dependence and drug abuse** and **death from drug dependence and drug abuse**.
 - (b) For the purposes of this Statement of Principles:

"drug dependence " means a psychiatric condition that meets the following diagnostic criteria (derived from DSM-IV-TR):

A maladaptive pattern of drug use, leading to clinically significant impairment or distress, as manifested by three (or more) of the following, occurring at any time in the same 12-month period:

- (1) Tolerance, as defined by either of the following:
 - (a) a need for markedly increased amounts of the drug to achieve intoxication or desired effect; or
 - (b) markedly diminished effect with continued use of the same amount of the drug.
- (2) Withdrawal, as manifested by either of the following:
 - (a) the characteristic withdrawal syndrome for the drug; or
 - (b) the same (or a closely related) drug is taken to relieve or avoid withdrawal symptoms.
- (3) The drug is often taken in larger amounts or over a longer period than was intended.
- (4) There is a persistent desire or unsuccessful efforts to cut down or control drug use.
- (5) A great deal of time is spent in activities necessary to obtain the drug (e.g., visiting multiple doctors or driving long distances), use the drug or recover from its effects.
- (6) Important social, occupational, or recreational activities are given up or reduced because of drug use.
- (7) The drug use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the drug (e.g., current cocaine use despite recognition of cocaine-induced depression).

"drug abuse" means a psychiatric condition that meets the following diagnostic criteria (derived from DSM-IV-TR):

- A. A maladaptive pattern of drug use leading to clinically significant impairment or distress, as manifested by one (or more) of the following, occurring within a 12-month period:
 - (1) Recurrent drug use resulting in a failure to fulfill major role obligations at work, school, or home (e.g., repeated absences or poor work performance related to drug use; drug-related absences, suspensions, or expulsions from school; neglect of children or household).
 - (2) Recurrent drug use in situations in which it is physically hazardous (e.g., driving an automobile or operating a machine when impaired by drug use).

- (3) Recurrent drug-related legal problems (e.g., arrests for drug-related disorderly conduct).
 - (4) Continued drug use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the drug (e.g., arguments with spouse about consequences of intoxication, physical fights).
- B. The symptoms have never met the criteria for drug dependence for this class of drug.

The definitions for drug dependence and drug abuse exclude acute drug intoxication in the absence of drug dependence or drug abuse.

Basis for determining the factors

4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **drug dependence or drug abuse** and **death from drug dependence or drug abuse** 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 **drug dependence or drug abuse** or **death from drug dependence or drug abuse** with the circumstances of a person's relevant service is:
 - (a) having a clinically significant psychiatric condition at the time of the clinical onset of drug dependence or drug abuse; or
 - (b) experiencing a category 1A stressor within the five years before the clinical onset of drug dependence or drug abuse; or
 - (c) experiencing a category 1B stressor within the five years before the clinical onset of drug dependence or drug abuse; or
 - (d) experiencing the death of a significant other within the five years before the clinical onset of drug dependence or drug abuse; or

- (e) having a medical, surgical or psychiatric condition for which a course of opioid, sedative, hypnotic, stimulant or anxiolytic medications was medically prescribed, at the time of the clinical onset of drug dependence or drug abuse; where the drug dependence or drug abuse involves one or more agents from the related pharmacological class of prescribed opioid, sedative, hypnotic, stimulant or anxiolytic medications; or
- (f) being the recipient of severe childhood abuse within the ten years before the clinical onset of drug dependence or drug abuse; or
- (g) having a medical illness or injury which is life-threatening or which results in serious physical or cognitive disability, within the five years before the clinical onset of drug dependence or drug abuse; or
- (h) having a clinically significant psychiatric condition at the time of the clinical worsening of drug dependence or drug abuse; or
- (i) experiencing a category 1A stressor within the five years before the clinical worsening of drug dependence or drug abuse; or
- (j) experiencing a category 1B stressor within the five years before the clinical worsening of drug dependence or drug abuse; or
- (k) experiencing the death of a significant other within the five years before the clinical worsening of drug dependence or drug abuse; or
- (l) being the recipient of severe childhood abuse within the ten years before the clinical worsening of drug dependence or drug abuse; or
- (m) having a medical illness or injury which is life-threatening or which results in serious physical or cognitive disability, within the five years before the clinical worsening of drug dependence or drug abuse; or
- (n) inability to obtain appropriate clinical management for drug dependence or drug abuse.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(h) to 6(n)** apply only to material contribution to, or aggravation of, drug dependence or drug abuse where the person's drug

dependence or drug abuse 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 clinically significant psychiatric condition" means any Axis I or Axis II disorder of mental health that attracts a diagnosis under DSM-IV-TR which is sufficient to warrant ongoing management, excluding drug-related disorders. The ongoing management may involve regular visits (for example, at least monthly), to a psychiatrist, clinical psychologist or general practitioner;

"a category 1A stressor" means one or more 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) being an eyewitness to a person being killed or critically injured;
- (b) viewing corpses or critically injured casualties as an eyewitness;
- (c) being an eyewitness to atrocities inflicted on another person or persons;
- (d) killing or maiming a person; or
- (e) being an eyewitness to or participating in, the clearance of critically injured casualties;

"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 observes an incident first hand and can give direct evidence of it. This excludes a person exposed only to media coverage of the incident;

"death from drug dependence or drug abuse" in relation to a person includes death from a terminal event or condition that was contributed to by the person's drug dependence or drug abuse;

"drug" (as referred to in the definition of "drug dependence" or "drug abuse" and as derived from DSM-IV-TR) means any of the following substances, alone or in combination:

- (a) amphetamine and derivatives;
- (b) cannabis and derivatives;
- (c) cocaine and derivatives;
- (d) hallucinogens;
- (e) hydrocarbon fume inhalation;
- (f) opioids and their derivatives and synthetic opioids with morphine-like effects;
- (g) phencyclidine; or
- (h) sedatives, hypnotics and/or anxiolytics including barbiturates, nonbarbiturate sedatives and benzodiazepines, and tranquillisers with similar effect;

"DSM-IV-TR" means the American Psychiatric Association: *Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition, Text Revision. Washington, DC, American Psychiatric Association, 2000;

"relevant service" means:

- (a) operational service under the VEA;
- (b) peacekeeping service under the VEA;
- (c) hazardous service under the VEA;
- (d) warlike service under the MRCA; or
- (e) 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.

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 14 January 2009.

Dated this *nineteenth* day of *December* 2008

The Common Seal of the)
Repatriation Medical Authority)
was affixed to this instrument)
in the presence of:)

KEN DONALD
CHAIRPERSON