



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
GENDER DYSPHORIA
(Balance of Probabilities)
(No. 114 of 2021)

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

Dated 26 November 2021

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

Professor Terence Campbell AM
Chairperson

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1 Name

This is the Statement of Principles concerning *gender dysphoria (Balance of Probabilities)* (No. 114 of 2021).

2 Commencement

This instrument commences on 20 December 2021.

3 Authority

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

4 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.

5 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

6 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about gender dysphoria and death from gender dysphoria.

Meaning of gender dysphoria

- (2) For the purposes of this Statement of Principles, gender dysphoria:
- (a) means a disorder of mental health that meets the following criteria (derived from DSM-5):
 - (i) a marked incongruence between one's experienced/expressed gender and assigned gender, of at least 6 months' duration, as manifested by at least two of the following:
 - a marked incongruence between one's experienced/expressed gender and primary and/or secondary sex characteristics (or in young adolescents, the anticipated secondary sex characteristics);
 - a strong desire to be rid of one's primary and/or secondary sex characteristics because of a marked incongruence with one's experienced/expressed gender (or in young adolescents, a desire to prevent

- the development of the anticipated secondary sex characteristics);
 - a strong desire for the primary and/or secondary sex characteristics of the other gender;
 - a strong desire to be of the other gender (or some alternative gender different from one's assigned gender);
 - a strong desire to be treated as the other gender (or some alternative gender different from one's assigned gender); or
 - a strong conviction that one has the typical feelings and reactions of the other gender (or some alternative gender different from one's assigned gender); and
- (ii) the condition is associated with clinically significant distress or impairment in social, occupational, or other important areas of functioning; and
- (b) excludes gender dysphoria associated with inherited or congenital disorders of sex development.

Note 1: Examples of congenital disorders of sex development include congenital adrenal hyperplasia and androgen insensitivity syndrome.

Note 2: *DSM-5* is defined in the Schedule 1 - Dictionary.

Death from gender dysphoria

- (3) For the purposes of this Statement of Principles, gender dysphoria, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's gender dysphoria.

Note: *terminal event* is defined in the Schedule 1 - Dictionary.

7 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 gender dysphoria and death from gender dysphoria can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *MRCA*, *relevant service* and *VEA* are defined in the Schedule 1 - Dictionary.

8 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, gender dysphoria or death from gender dysphoria is connected with the circumstances of a person's relevant service:

- (1) experiencing severe childhood abuse before the clinical worsening of gender dysphoria;

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

- (2) being subject to a serious physical attack or assault, including rape and sexual molestation, within the 5 years before the clinical worsening of gender dysphoria;
- (3) experiencing a category 2 stressor within the 1 year before the clinical worsening of gender dysphoria;

Note 1: A category 2 stressor can arise in a variety of circumstances connected with service. Such circumstances can arise during the course of service, as a result of separation from service and the conditions associated with that separation, and in the transition to civilian life in the years following separation.

Note 2: *category 2 stressor* is defined in the Schedule 1 - Dictionary.

- (4) inability to obtain appropriate clinical management for gender dysphoria.

9 Relationship to service

- (1) The existence in a person of any factor referred to in section 8, must be related to the relevant service rendered by the person.
- (2) The factors set out in subsections 8(1) to 8(4) apply only to material contribution to, or aggravation of, gender dysphoria where the person's gender dysphoria was suffered or contracted before or during (but did not arise out of) the person's relevant service.

10 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 8 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 5

1 Definitions

In this instrument:

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, medical illness or psychiatric symptomatology;
- (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, experiencing demotion at work, 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.

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

gender dysphoria—see subsection 6(2).

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.

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*.