



## Document created in accordance with section 17 of the *Freedom of Information Act 1982 (Cth)*

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FOI reference number: 69269

**Request details:** *'...Under the Freedom of Information Act (1982) I request any and all documentation related to DVA policy that allows or requires the Statement of Principles (SOP) to be considered as Evidence in determining claims under the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 (DRCA).*

*This includes but is not limited to.*

- *Policy advice stating that Statements of Principles (SOP) can be considered to be a guide or reference as to possible medical causative factors if relevant as they are issued by the Repatriation Medical Authority (RMA).*
- *Policy advice regarding DRCA cases where there is a clear conflict between SOPs and the medical evidence is that a specialist should be invited to comment in the light of the relevant SOP where there is a clear conflict between the two.*
- *The policy or legislative reference that deems the SOPs to be medical evidence*
- *Procedures or directives that:*
- *Require Delegates to use the SOPs for to identify causation of a condition*
- *Explain how the Delegate is to use the SOPs for DRCA claims*
- *Explain how SOP factors are to be used when deciding claims under DRCA*
- *Describe what is to occur where medical reports provided by a treating specialist doesn't meet a factor listed in the SOP*
- *Explain how Delegates are to use the SOPs when making a decision on the Balance of Probabilities*
- *Detail what information a claimant needs to provide by way of a specialist medical opinion...'*

**Date of decision:** 21 August 2024

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## Ch 13 Status of RMA SOPs for DRCA Purposes

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### 13.1 What are Statements of Principles (SOP)

Delegates should make themselves aware of the Statement of Principles (SOPs) determined by the Repatriation Medical Authority (RMA) on the basis of sound medical scientific evidence. The SOPs are legal instruments which provide the means by which specified diseases and injuries may be related to service when determining claims under the VEA or MRCA. Each SOP condition has two instruments which reflect the different standards of proof that apply under the VEA and MRCA: reasonable hypothesis (RH) and balance of probabilities (BOP). The relevant SOP sets out the minimum requirements to be met in order for a VEA or MRCA delegate to accept the subject medical condition as Defence Caused or War Caused under the relevant Act. The SOPs take the part of medical opinion or expertise with regard to aetiology thereby ensuring efficiency and consistency when determining liability under the VEA or MRCA.

**Source URL:** <https://clik.dva.gov.au/military-compensation-srca-manuals-and-resources-library/liability-handbook/ch-13-status-rma-sops-srca-purposes/131-what-are-statements-principles-sop>

#### 13.1.1 SOPs not binding in DRCA cases

Although the SOPs are binding on VEA and MRCA delegates, they have no legal standing under the DRCA. Nonetheless, SRCA delegates are advised that the SOPs can provide useful information about the aetiology (causation) of various medical conditions. If referring to any SOP condition for DRCA purposes, it is important to remember that it is the BOP SOP – which applies to peacetime service – that must be used. Although the SOPs can be a useful guide when making a determination under DRCA, they should never be the sole consideration, particularly where injuries or temporary aggravations are concerned.

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#### 13.1.2 SOP factors may advise DRCA Delegates

SOP factors are sometimes of interest to RCG Delegates, in that these protocols outline what factors are generally to be considered when diagnosis is to be made. On occasion, a DRCA Delegate may at their discretion use these documents to form a view whether further questions need to be asked of an examining doctor (i.e. with regard to the reliability of a diagnosis). However, sections of these protocols are very specific to VEA/MRCA needs and non-compliance in the case of an DRCA case need not, in most cases, be cause for concern.

**Source URL:** <https://clik.dva.gov.au/military-compensation-srca-manuals-and-resources-library/liability-handbook/ch-13-status-rma-sops-drca-purposes/131-what-are-statements-principles-sop/1312-sop-factors-may-advise-drca-delegates>

#### 13.1.3 Limitations of SOPs for DRCA purposes

However, DRCA cases can seldom be accepted on the strength of an RMA SOP alone. To accept liability for a particular medical condition requires more than confirmation that the disease may be caused by the factors cited in the relevant SOP. A medical examination and opinion confirming or discounting employment factors as 'probably' causing the particular condition will generally be required. All of the available evidence must be considered. RMA SOPs can be an effective tool for quickly eliminating fanciful contentions or for elucidating other likely causes of the particular condition claimed. They can also provide a useful check on the credibility or otherwise of a specialist report. Where there is a clear conflict between the two, the doctor should be invited to comment in the light of the relevant SOP. The decision should reflect the delegate's judgement on the response provided.

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