



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
MOTOR NEURONE DISEASE
(Balance of Probabilities)
(No. 112 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 *motor neurone disease (Balance of Probabilities)* (No. 112 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 Repeal

The Statement of Principles concerning motor neurone disease No. 68 of 2013 (Federal Register of Legislation No. F2013L01656) made under subsection 196B(3) of the VEA is repealed.

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 motor neurone disease and death from motor neurone disease.

Meaning of motor neurone disease

- (2) For the purposes of this Statement of Principles, motor neurone disease:
- (a) means a progressive neurodegenerative disease with either:
 - (i) the presence of upper and lower motor neurone dysfunction in at least one body region; or
 - (ii) the presence of lower motor neurone dysfunction in at least two body regions; and
 - (b) the absence of other disease processes that explain the motor neurone dysfunction.

- (3) While motor neurone disease attracts ICD-10-AM code G12.2, in applying this Statement of Principles the meaning of motor neurone disease is that given in subsection (2).
- (4) For subsection (3), a reference to an ICD-10-AM code is a reference to the code assigned to a particular kind of injury or disease in *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification* (ICD-10-AM), Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

Death from motor neurone disease

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

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 motor neurone disease and death from motor neurone disease 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.

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, motor neurone disease or death from motor neurone disease is connected with the circumstances of a person's relevant service:

- (1) having smoked tobacco products in an amount of at least 20 pack-years before the clinical onset of motor neurone disease;

Note: *one pack-year* is defined in the Schedule 1 - Dictionary.

- (2) having smoked tobacco products in an amount of at least 20 pack-years before the clinical worsening of motor neurone disease;

Note: *one pack-year* is defined in the Schedule 1 - Dictionary.

- (3) inability to obtain appropriate clinical management for motor neurone disease.

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(2) and 9(3) apply only to material contribution to, or aggravation of, motor neurone disease where the person's motor neurone disease 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:

motor neurone disease—see subsection 7(2).

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

one pack-year means the amount of tobacco consumed in smoking 20 cigarettes per day for a period of 1 year, or an equivalent amount of tobacco products.

Note 1: An equivalent amount of tobacco products is 7,300 grams of smoking tobacco by weight, either in cigarettes, pipe tobacco or cigars, or a combination of same. For pipe tobacco, cigars or combinations of multiple tobacco types, 1 gram of tobacco is considered to be equal to one cigarette.

Note 2: Pack-years are calculated by dividing the number of cigarettes smoked per day by 20 and multiplying this number by the number of years the person has smoked. For example, smoking 10 cigarettes per day for 10 years is equal to 5 pack-years, and smoking 40 cigarettes per day for 10 years is equal to 20 pack-years.

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.

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*.