



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
CHRONIC MULTISYMPPTOM ILLNESS
(Balance of Probabilities)
(No. 4 of 2020)

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

Dated 28 February 2020

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

A handwritten signature in black ink, appearing to read 'N. Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *chronic multisymptom illness (Balance of Probabilities)* (No. 4 of 2020).

2 Commencement

This instrument commences on 23 March 2020.

3 Authority

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

4 Repeal

The Statement of Principles concerning chronic multisymptom illness No. 56 of 2014 (Federal Register of Legislation No. F2014L00525) made under subsection 196B(3) of the VEA is repealed.

Note: The Statement of Principles concerning chronic multisymptom illness (No. 56 of 2014) was determined following an investigation concerning Gulf War syndrome which commenced on 31 October 2012. Although that investigation concerned the health of Gulf War veterans, the Statement of Principles concerning chronic multisymptom illness (Balance of Probabilities) (No. 4 of 2020) applies to all veterans and serving members with relevant service who have an illness which meets the definition.

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 chronic multisymptom illness and death from chronic multisymptom illness.

Meaning of chronic multisymptom illness

- (2) For the purposes of this Statement of Principles, chronic multisymptom illness means a condition characterised by multiple somatic symptoms which has been diagnosed by a specialist physician or a psychiatrist and which meets the following criteria:

- A. There are one or more current symptoms from two of the following three categories:
- (i) fatigue;

- (ii) mood-cognition: feeling depressed, difficulty remembering or concentrating, feeling moody, feeling anxious, trouble finding words or difficulty sleeping; or
 - (iii) musculoskeletal: joint pain, joint stiffness or muscle pain; and
- B. The collection of symptoms relied upon to make the diagnosis is distressing and results in significant disruption of social and occupational functioning; and
- C. The collection of symptoms relied upon to make the diagnosis must have persisted for at least six consecutive months.

Death from chronic multisymptom illness

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

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 chronic multisymptom illness and death from chronic multisymptom illness 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 Factor that must exist

The factor that must exist before it can be said that, on the balance of probabilities, chronic multisymptom illness or death from chronic multisymptom illness is connected with the circumstances of a person's relevant service is inability to obtain appropriate clinical management for chronic multisymptom illness.

10 Relationship to service

The existence in a person of the factor referred to in section 9, applies only to material contribution to, or aggravation of, chronic multisymptom illness where the person's chronic multisymptom illness was suffered or contracted before or during (but did not arise out of) the person's relevant service.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

chronic multisymptom illness—see subsection 7(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.

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*.