



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
FAMILIAL ADENOMATOUS POLYPOSIS
(Balance of Probabilities)
(No. 78 of 2021)

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

Dated 25 June 2021

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

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *familial adenomatous polyposis (Balance of Probabilities)* (No. 78 of 2021).

2 Commencement

This instrument commences on 26 July 2021.

3 Authority

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

4 Repeal

The Statement of Principles concerning familial adenomatous polyposis No. 40 of 2013 (Federal Register of Legislation No. F2013L01127) made under subsection 196B(3) of the VEA is repealed.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 familial adenomatous polyposis and death from familial adenomatous polyposis.

Meaning of familial adenomatous polyposis

- (2) For the purposes of this Statement of Principles, familial adenomatous polyposis means an inherited autosomal dominant syndrome caused by germ-line mutation of the adenomatous polyposis coli gene, characterised by the formation of more than 100 colorectal adenomas.

Death from familial adenomatous polyposis

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

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 familial adenomatous polyposis and death from familial adenomatous polyposis 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, familial adenomatous polyposis or death from familial adenomatous polyposis is connected with the circumstances of a person's relevant service is inability to obtain appropriate clinical management for familial adenomatous polyposis.

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, familial adenomatous polyposis where the person's familial adenomatous polyposis 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:

familial adenomatous polyposis—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*.