



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
DEMENTIA PUGILISTICA
(Balance of Probabilities)
(No. 10 of 2021)

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

Dated 24 December 2020

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

Professor Nicholas Saunders AO
Chairperson

Contents

1	Name	3
2	Commencement	3
3	Authority	3
4	Repeal	3
5	Application.....	3
6	Definitions.....	3
7	Kind of injury, disease or death to which this Statement of Principles relates	3
8	Basis for determining the factors	4
9	Factors that must exist.....	4
10	Relationship to service	4
11	Factors referring to an injury or disease covered by another Statement of Principles.....	5
Schedule 1 - Dictionary		6
1	Definitions.....	6

1 Name

This is the Statement of Principles concerning *dementia pugilistica* (*Balance of Probabilities*) (No. 10 of 2021).

2 Commencement

This instrument commences on 25 January 2021.

3 Authority

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

4 Repeal

The Statement of Principles concerning dementia pugilistica No. 12 of 2012 (Federal Register of Legislation No. F2012L00019) made under subsection 196B(3) of the VEA is repealed.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 dementia pugilistica and death from dementia pugilistica.

Meaning of dementia pugilistica

- (2) For the purposes of this Statement of Principles, dementia pugilistica:
- (a) means a chronic brain disorder involving disabling cognitive, motor and behavioural impairments, occurring in individuals with a history of repeated blows to the head; and
 - (b) excludes encephalopathy resulting from a single episode of moderate to severe traumatic brain injury.

Note 1: Typical clinical features of dementia pugilistica include cognitive deficits (such as impairments of memory, attention and executive function), motor deficits (such as spasticity, tremor, loss of coordination, gait instability and slurred speech), emotional dysregulation (such as mood disturbance, anxiety and aggression) and personality changes.

Note 2: *blows to the head* is defined in the Schedule 1 - Dictionary.

Death from dementia pugilistica

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

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 dementia pugilistica and death from dementia pugilistica 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, dementia pugilistica or death from dementia pugilistica is connected with the circumstances of a person's relevant service:

- (1) having received at least 250 blows to the head within a continuous period of 20 years, while participating in a high impact contact activity, where the first blow to the head occurred at least ten years before the clinical onset of dementia pugilistica;

Note: *blows to the head* and *high impact contact activity* are defined in the Schedule 1 - Dictionary.

- (2) having experienced at least 50 occasions of head trauma within a continuous period of 20 years, during each of which numerous blows to the head were sustained, while participating in a high impact contact activity, and where the first occasion occurred at least ten years before the clinical onset of dementia pugilistica;

Note: *blows to the head* and *high impact contact activity* are defined in the Schedule 1 - Dictionary.

- (3) inability to obtain appropriate clinical management for dementia pugilistica.

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 factor set out in subsection 9(3) applies only to material contribution to, or aggravation of, dementia pugilistica where the person's dementia pugilistica 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:

blows to the head:

- (a) means episodes in which blunt force, of at least the intensity that would be received from a forceful punch to the head from a gloved fist, is applied (directly or indirectly) to the head, with or without concussion or loss of consciousness; and
- (b) excludes blast injury and the heading of a soccer ball.

dementia pugilistica—see subsection 7(2).

high impact contact activity means a sport or activity in which there is forceful impact of the head with another object or person.

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*.