

Statement of Principles
concerning

SPINA BIFIDA

No. 62 of 2007

for the purposes of the

Veterans' Entitlements Act 1986
and
Military Rehabilitation and Compensation Act 2004

Title

1. This Instrument may be cited as Statement of Principles concerning spina bifida No. 62 of 2007.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 60 of 1995 concerning spina bifida; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **spina bifida** and **death from spina bifida**.
 - (b) For the purposes of this Statement of Principles, "**spina bifida**" means a congenital malformation characterised by incomplete closure of the bony encasement of the spinal cord, through which the cord and meninges may protrude.
 - (c) Spina bifida attracts ICD-10-AM code Q05 or Q76.0.
 - (d) In the application of this Statement of Principles, the definition of "**spina bifida**" is that given at paragraph 3(b) above.

Basis for determining the factors

4. After examining the available sound medical-scientific evidence the Repatriation Medical Authority is of the view that it is more probable than not on the sound medical-scientific evidence available, that the only factor that can be related to the cause of or material contribution to or aggravation of **spina bifida** or **death from spina bifida** and which can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the *Military Rehabilitation and Compensation Act 2004* (the MRCA) is that set out in clause 5.

Factors that must be related to service

5. The factor that must exist before it can be said that, on the balance of probabilities, in relation to the circumstances of a person's relevant service causing or materially contributing to or aggravating **spina bifida** or **death from spina bifida** is inability to obtain appropriate clinical management for spina bifida.

Other definitions

6. For the purposes of this Statement of Principles:

"death from spina bifida" in relation to a person includes death from a terminal event or condition that was contributed to by the person's spina bifida;

"ICD-10-AM code" means a number assigned to a particular kind of injury or disease in The International Statistical Classification of Diseases and Related Health Problems, 10th revision, Australian Modification (ICD-10-AM), Fifth Edition, effective date of 1 July 2006, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 772 3;

"relevant service" means:

- (a) eligible war service (other than operational service) under the VEA; or
- (b) defence service (other than hazardous service) under the VEA; or
- (c) peacetime service under the MRCA;

"terminal event" means the proximate or ultimate cause of death and includes:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;

- (d) circulatory failure; or
- (e) cessation of brain function.

Application

- 7. This Instrument applies to all matters to which section 120B of the VEA or section 339 of the MRCA applies.

Date of effect

- 8. This Instrument takes effect from 9 May 2007.

Dated this **twenty-fourth** day of
April 2007

The Common Seal of the)
Repatriation Medical Authority)
was affixed to this instrument)
in the presence of:)

**KEN DONALD
CHAIRPERSON**