



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
ALPHA-1 ANTITRYPSIN DEFICIENCY
(Balance of Probabilities)
(No. 34 of 2023)

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

Dated 24 April 2023.

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 *alpha-1 antitrypsin deficiency (Balance of Probabilities)* (No. 34 of 2023).

2 Commencement

This instrument commences on 23 May 2023.

3 Authority

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

4 Repeal

The Statement of Principles concerning alpha-1 antitrypsin deficiency No. 30 of 2015 (Federal Register of Legislation No. F2014L01840) made under subsection 196B(3) of the VEA is repealed.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 alpha-1 antitrypsin deficiency and death from alpha-1 antitrypsin deficiency.

Meaning of alpha-1 antitrypsin deficiency

- (2) For the purposes of this Statement of Principles, alpha-1 antitrypsin deficiency means a genetic disorder of plasma protein metabolism which involves reduced serum levels of alpha-1 antitrypsin.

Note: Common clinical manifestations include emphysema and cirrhosis of the liver.

Death from alpha-1 antitrypsin deficiency

- (3) For the purposes of this Statement of Principles, alpha-1 antitrypsin deficiency, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's alpha-1 antitrypsin deficiency.

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 alpha-1 antitrypsin deficiency and death from alpha-1 antitrypsin deficiency 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, alpha-1 antitrypsin deficiency or death from alpha-1 antitrypsin deficiency is connected with the circumstances of a person's relevant service:

- (1) having smoked tobacco products in an amount of at least 5 pack-years before the clinical worsening of alpha-1 antitrypsin deficiency;

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

- (2) inability to obtain appropriate clinical management for alpha-1 antitrypsin deficiency.

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(1) and 9(2) apply only to material contribution to, or aggravation of, alpha-1 antitrypsin deficiency where the person's alpha-1 antitrypsin deficiency 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:

alpha-1 antitrypsin deficiency—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*.