REPATRIATION MEDICAL AUTHORITY

STATEMENT OF PRINCIPLES NO. 40 of 2005

VETERANS’ ENTITLEMENTS ACT 1986
MILITARY REHABILITATION AND COMPENSATION ACT 2004

EXPLANATORY NOTES FOR TABLING

1. The Repatriation Medical Authority (‘the Authority’) has determined, under subsection 196B(3) of the Veterans’ Entitlements Act 1986 (the VEA), Statement of Principles concerning solvent related chronic encephalopathy No. 40 of 2005.

2. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that solvent related chronic encephalopathy and death from solvent related chronic encephalopathy can be related to particular kinds of service. The Authority has therefore determined this Statement of Principles concerning solvent related chronic encephalopathy.

3. Pursuant to the provisions of the VEA and the Military Rehabilitation and Compensation Act 2004 (‘the MRCA’), claims for pension under the VEA or compensation under the MRCA are determined by the Repatriation Commission or the Military Rehabilitation and Compensation Commission by reference to Statements of Principles issued by the Authority pursuant to the VEA.

4. The Statement of Principles sets out the factors that must exist, and which of those factors must be related to the following kinds of service rendered by a person:

- eligible war service (other than operational service) under the VEA;
- defence service (other than hazardous service) under the VEA;
- peacetime service under the MRCA,

before it can be said that, on the balance of probabilities, solvent related chronic encephalopathy or death from solvent related chronic encephalopathy is connected with the circumstances of that service.

5. The Repatriation Commission, Military Rehabilitation and Compensation Commission, Veterans’ Review Board, or Administrative Appeals Tribunal cannot accept any claim for pension; or a claim for liability or compensation relating to solvent related chronic encephalopathy or death from solvent related chronic encephalopathy that was lodged on or after 1 June 1994 in the case of VEA, or 1 July 2004 in the case of MCRA respectively, unless this Statement of
Principles upholds that claim (subsection 120A(3) VEA or subsection 338(2) MRCA).

6. This new instrument results from an investigation notified by the Authority in the Government Notices Gazettes of 25 February 2004 and 14 July 2004 concerning toxic encephalopathy in accordance with section 196G of the Act. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority.

7. Prior to determining this instrument, the Authority advertised its intention to undertake an investigation in relation to toxic encephalopathy in the Government Notices Gazettes of 25 February 2004, and circulated a copy of the notice of intention to investigate to a wide range of organisations representing veterans, service personnel and their dependants. The Authority invited submissions from the Repatriation Commission, organisations and persons referred to in section 196E of the VEA, and any person having expertise in the field.

8. Following the commencement of the MRCA, the Authority published a “Further Notice of Investigations” in the Government Notices Gazette of 14 July 2004, extending the closing date for submissions in relation to the above mentioned investigation until 10 September 2004. The Authority again invited submissions from the Repatriation Commission, organisations and persons referred to in section 196E of the VEA (who include persons eligible to make a claim under the MRCA), as well as the Military Rehabilitation and Compensation Commission and any person having expertise in the field. One submission was received and considered by the Authority during the investigation.


10. A list of references relating to the above condition is available, on written request, from the Repatriation Medical Authority Secretariat.