1. The Repatriation Medical Authority (‘the Authority’), under subsection 196B(8) of the Veterans’ Entitlements Act 1986 (‘the VEA’) revokes Instrument No. 4 of 2005 of 24 February 2005, determined under subsection 196B(3) of the VEA concerning epilepsy.

2. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that epilepsy and death from epilepsy can be related to particular kinds of service. The Authority has therefore determined, pursuant to subsection 196B(3) of the VEA, Statement of Principles concerning epilepsy No. 50 of 2005. This Instrument will replace the revoked Statement of Principles.

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, epilepsy or death from epilepsy is connected with the circumstances of that service.

5. This new instrument results from the investigation concerning epilepsy, notified by the Authority in the Government Notices Gazette of 2 November 2005, in accordance with section 196G of the VEA. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority, including the sound medical-scientific evidence it has previously considered.
6. The title and format of this new Instrument have been varied, including a new titling clause 1, headnote to clause 2 and the renumbering of subsequent clauses. These changes have been introduced in order to assist users in locating the appropriate Instrument when searching the Federal Register of Legislative Instruments.

7. The contents of the new Instrument are in similar terms as the revoked Instruments. Comparing the new and the revoked Instruments, the significant differences include:

- new factors 6(b) and (n) relating to mild head injury;
- revising the definition of ‘cerebral trauma’ in clause 9; and
- including a new definition of ‘a mild head injury’ in clause 9.

8. Prior to determining this instrument, the Authority advertised its intention to undertake an investigation in relation to epilepsy in the Government Notices Gazette of 2 November 2005, 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, the Military Rehabilitation and Compensation Commission, organisations and persons referred to in section 196E of the VEA (who include persons eligible to make a claim under the MRCA), and any person having expertise in the field.

9. No submissions were received for consideration by the Authority during the investigation.

10. The determining of this new instrument finalises the investigation in relation to epilepsy which was advertised in the Government Notices Gazette of 2 November 2005.

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