Statement of Principles concerning Alzheimer-type dementia No. 22 of 2010

made under subsection 196B(2) of the

Veterans' Entitlements Act 1986

Compilation No. 2

Compilation date: 18 September 2017
Includes amendments up to: Veterans' Entitlements (Statements of Principles—Cumulative Equivalent Dose) Amendment Determination 2017 (No. 58 of 2017) (F2017L01067)

The day of commencement of this Amendment Determination is 18 September 2017.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane
About this compilation

This compilation

This is a compilation of the Statement of Principles concerning Alzheimer-type dementia No. 22 of 2010 that shows the text of the law as amended and in force on 18 September 2017.

The notes at the end of this compilation (the endnotes) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
Statement of Principles

contcerning

ALZHEIMER-TYPE DEMENTIA

No. 22 of 2010

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 Alzheimer-type dementia No. 22 of 2010.

Determination

2. The Repatriation Medical Authority under subsection 196B(2) and (8) of the Veterans’ Entitlements Act 1986 (the VEA):

(a) revokes Instrument No. 17 of 2001 concerning Alzheimer’s disease; and

(b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3. (a) This Statement of Principles is about Alzheimer-type dementia and death from Alzheimer-type dementia.

(b) For the purposes of this Statement of Principles, "Alzheimer-type dementia" means a central neurodegenerative disorder characterised histopathologically by diffuse atrophy throughout the cerebral cortex.
with senile plaques and neurofibrillary tangles; and meeting the following diagnostic criteria:

A. The development of multiple cognitive deficits manifested by:
   (1) memory impairment (impaired ability to learn new information or to recall previously learned information); and
   (2) one (or more) of the following cognitive disturbances:
      (i) aphasia (language disturbance);
      (ii) apraxia (impaired ability to carry out motor activities despite intact motor function);
      (iii) agnosia (failure to recognise or identify objects despite intact sensory function); or
      (iv) disturbance in executive functioning (i.e., planning, organising, sequencing, abstracting).

B. The cognitive deficits in Criteria A(1) and A(2) each cause significant impairment in social or occupational functioning and represent a significant decline from a previous level of functioning.

C. The course is characterised by gradual onset and continuing cognitive decline.

D. The cognitive deficits in Criteria A(1) and A(2) are not primarily due to any of the following:
   (1) other central nervous system conditions that cause progressive deficits in memory and cognition (e.g., cerebrovascular disease, Parkinson’s disease, Huntington’s disease, subdural haematoma, normal-pressure hydrocephalus, brain tumour);
   (2) systemic conditions that are known to cause non-Alzheimer-type dementia (e.g., hypothyroidism, vitamin B12 or folic acid deficiency, niacin deficiency, hypercalcaemia, neurosyphilis, HIV infection); or
   (3) substance-induced conditions.

E. The deficits do not occur exclusively during the course of a delirium.
F. This definition includes dementia with Lewy bodies.

Basis for determining the factors

4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that Alzheimer-type dementia and death from Alzheimer-type dementia can be related to relevant service rendered by veterans, members of Peacekeeping Forces, or members of the Forces under the VEA, or members under the Military Rehabilitation and Compensation Act 2004 (the MRCA).

Factors that must be related to service

5. Subject to clause 7, at least one of the factors set out in clause 6 must be related to the relevant service rendered by the person.

Factors

6. The factor that must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting Alzheimer-type dementia or death from Alzheimer-type dementia with the circumstances of a person’s relevant service is:

(a) having moderate to severe cerebral trauma at least 10 years before the clinical onset of Alzheimer-type dementia; or

(b) smoking at least 20 pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of Alzheimer-type dementia and where smoking has ceased, the clinical onset of Alzheimer-type dementia has occurred within five years of cessation; or

(c) being exposed to at least two microtesla (2µT) of extremely low frequency electromagnetic field (ELF-EMF), for at least eight hours per day on more days than not, for a continuous period of at least 10 years before the clinical onset of Alzheimer-type dementia; or

(d) having dyslipidaemia before the age of 65 years and at least 10 years before the clinical onset of Alzheimer-type dementia; or

(e) having diabetes mellitus for at least the four years before the clinical onset of Alzheimer-type dementia; or
(f) being obese for at least 10 years before the clinical onset of Alzheimer-type dementia; or

(g) having hypertension at least 10 years before the clinical onset of Alzheimer-type dementia; or

(h) having hyperhomocysteinaemia at least 10 years before the clinical onset of Alzheimer-type dementia; or

(i) having a thyroid disorder as specified at least 10 years before the clinical onset of Alzheimer-type dementia; or

(j) having at least two major depressive episodes at least 10 years before the clinical onset of Alzheimer-type dementia; or

(ja) having posttraumatic stress disorder at least five years before the clinical onset of Alzheimer-type dementia; or

(jb) having received a cumulative equivalent dose of at least ten sieverts of ionising radiation to the brain within the ten years before the clinical onset of Alzheimer-type dementia; or

(jc) undergoing a course of therapeutic radiation for cancer, where the brain was in the field of radiation, within the ten years before the clinical onset of Alzheimer-type dementia; or

(k) inability to obtain appropriate clinical management for Alzheimer-type dementia.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(k) applies only to material contribution to, or aggravation of, Alzheimer-type dementia where the person’s Alzheimer-type dementia was suffered or contracted before or during (but not arising out of) the person’s relevant service.

Inclusion of Statements of Principles

8. In this Statement of Principles if a relevant factor applies and that factor includes an injury or disease in respect of which there is a Statement of Principles then the factors in that last mentioned Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.
Other definitions

9. For the purposes of this Statement of Principles:

"a thyroid disorder as specified" means:

(a) a thyroid stimulating hormone level of at least 5.0 milliunits per litre (mU/L);
(b) a thyroid stimulating hormone level of less than 0.5 mU/L; or
(c) serum thyroid peroxidase antibody levels of at least 10 international units per millilitre (IU/ml);

"cumulative equivalent dose" means the total dose of ionising radiation received by the particular organ or tissue from external exposure, internal exposure or both, apart from normal background radiation exposure in Australia, calculated in accordance with the methodology set out in Guide to calculation of 'cumulative equivalent dose' for the purpose of applying ionising radiation factors contained in Statements of Principles determined under Part XIA of the Veterans' Entitlements Act 1986 (Cth), Australian Radiation Protection and Nuclear Safety Agency, as in force on 2 August 2017;

Note 1: Examples of circumstances that might lead to exposure to ionising radiation include being present during or subsequent to the testing or use of nuclear weapons, undergoing diagnostic or therapeutic medical procedures involving ionising radiation, and being a member of an aircrew, leading to increased levels of exposure to cosmic radiation.

Note 2: For the purpose of dose reconstruction, dose is calculated as an average over the mass of a specific tissue or organ. If a tissue is exposed to multiple sources of ionising radiation, the various dose estimates for each type of radiation must be combined.

"being obese" means an increase in body weight by way of fat accumulation which results in a Body Mass Index (BMI) of 30 or greater.

The BMI = W/H^2 and where:
W is the person’s weight in kilograms and
H is the person’s height in metres;

"death from Alzheimer-type dementia" in relation to a person includes death from a terminal event or condition that was contributed to by the person’s Alzheimer-type dementia;
'"dyslipidaemia" generally means evidence of a persistently abnormal lipid profile after the accurate evaluation of serum lipids following a 12 hour overnight fast, and estimated on a minimum of two occasions as a:
(a) total serum cholesterol level greater than or equal to 5.5 millimoles per litre (mmol/L);
(b) serum triglyceride level greater than or equal to 2.0 mmol/L; or
(c) having a high density lipoprotein cholesterol level less than 1.0 mmol/L;

"extremely low frequency electromagnetic field (ELF-EMF)" means electromagnetic fields generated at a frequency of 3-3000 hertz (Hz);

"hyperhomocysteinaemia" means a condition characterised by an excess of homocysteine in the blood;

"moderate to severe cerebral trauma" means structural injury or physiological disruption of brain function as a result of external force, manifested by at least one of the following clinical features immediately following the event:
(a) loss of consciousness lasting at least 30 minutes or posttraumatic anterograde amnesia lasting at least 24 hours;
(b) leakage of cerebrospinal fluid;
(c) injury involving penetration of the dura mater;
(d) seizures;
(e) intracranial abnormality, including:
   (i) intracranial haemorrhage;
   (ii) intracranial haematoma;
   (iii) cerebral contusion;
   (iv) hydrocephaly; or
   (v) diffuse axonal injury; or
(f) a Glasgow Coma Scale score of 12 or less.

In this definition, external force includes blunt trauma; acceleration or deceleration forces; blast force; or a foreign body penetrating the brain;

"pack-years of cigarettes, or the equivalent thereof in other tobacco products" means a calculation of consumption where one pack-year of cigarettes equals twenty tailor made cigarettes per day for a period of one calendar year, or 7300 cigarettes. One tailor made cigarette approximates one gram of tobacco or one gram of cigar or pipe tobacco by weight. One pack-year of tailor made cigarettes equates to 7300 cigarettes, or 7.3 kg of smoking tobacco by weight. Tobacco products means either cigarettes, pipe tobacco or cigars smoked, alone or in any combination;
"relevant service" means:
(a) operational service under the VEA;
(b) peacekeeping service under the VEA;
(c) hazardous service under the VEA;
(d) warlike service under the MRCA; or
(e) non-warlike 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
10. This Instrument applies to all matters to which section 120A of the VEA or section 338 of the MRCA applies.

Date of effect
11. This Instrument takes effect from 12 May 2010.
Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.
Endnote 2—Abbreviation key

- ad = added or inserted
- am = amended
- amdt = amendment
- c = clause(s)
- C[x] = Compilation No. x
- Ch = Chapter(s)
- def = definition(s)
- Dict = Dictionary
- disallowed = disallowed by Parliament
- Div = Division(s)
- exp = expires/expired or ceases/ceased to have effect
- F = Federal Register of Legislation
- gaz = gazette
- LA = Legislation Act 2003
- LIA = Legislative Instruments Act 2003
- (md) = misdescribed amendment can be given effect
- (md not incorp) = misdescribed amendment cannot be given effect
- mod = modified/modification
- No. = Number(s)
- o = order(s)
- Ord = Ordinance
- orig = original
- par = paragraph(s)/subparagraph(s)
- pres = present
- prev = previous
- (prev…) = previously
- Pt = Part(s)
- r = regulation(s)/rule(s)
- reloc = relocated
- renum = renumbered
- rep = repealed
- rs = repealed and substituted
- s = section(s)/subsection(s)
- Sch = Schedule(s)
- Sdiv = Subdivision(s)
- SLI = Select Legislative Instrument
- SR = Statutory Rules
- Sub-Ch = Sub-Chapter(s)
- SubPt = Subpart(s)
- underlining = whole or part not commenced or to be commenced
### Endnote 3—Legislation history

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## Endnote 4—Amendment history

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