Statement of Principles concerning motor neurone disease No. 67 of 2013

made under subsection 196B(2) of the

Veterans' Entitlements Act 1986

Compilation No. 2

Compilation date: 30 October 2018

Includes amendments up to: Amendment Statement of Principles concerning motor neurone disease No. 99 of 2018 (F2018L01503)

The day of commencement of this Amendment Statement of Principles concerning motor neurone disease is 30 October 2018.

This compilation includes retrospective amendments made by Amendment Statement of Principles concerning motor neurone disease No. 99 of 2018 (F2018L01503)

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

Authorised Version F2018C00791 registered 07/11/2018
About this compilation

This compilation

This is a compilation of the Statement of Principles concerning motor neurone disease No. 67 of 2013 that shows the text of the law as amended and in force on 30 October 2018.

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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 concerning
MOTOR NEURONE DISEASE
No. 67 of 2013
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 motor neurone disease No. 67 of 2013.

Determination

2. The Repatriation Medical Authority under subsection 196B(2) and (8) of the Veterans’ Entitlements Act 1986 (the VEA):
   (a) revokes Instrument No. 7 of 2006, as amended by Instrument No. 53 of 2009, concerning motor neurone disease; and
   (b) determines in their place this Statement of Principles.

Kind of injury, disease or death

3. (a) This Statement of Principles is about motor neurone disease and death from motor neurone disease.
   (b) For the purposes of this Statement of Principles, "motor neurone disease" means a progressive neurodegenerative disease with clinical...
signs of lower and upper motor neurone damage in the absence of other
disease processes that explain the clinical signs.

(c) Motor neurone disease attracts ICD-10-AM code G12.2.

(d) In the application of this Statement of Principles, the definition of "motor neurone disease" is that given at paragraph 3(b) above.

Basis for determining the factors

4. The Repatriation Medical Authority is of the view that there is sound medical-
scientific evidence that indicates that motor neurone disease and death from
motor neurone disease 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 motor neurone disease or death from
motor neurone disease with the circumstances of a person’s relevant service is:

(a) smoking at least ten pack-years of cigarettes, or the equivalent thereof
in other tobacco products, before the clinical onset of motor neurone
disease; or

(b) inability to obtain appropriate clinical management for motor neurone
disease.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(b) applies only to material contribution to, or aggravation of,
motor neurone disease where the person’s motor neurone disease 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:

"death from motor neurone disease" in relation to a person includes death
from a terminal event or condition that was contributed to by the person’s
motor neurone disease;

"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),
Eighth Edition, effective date of 1 July 2013, copyrighted by the Independent
Hospital Pricing Authority, and having ISBN 978-1-74128-213-9;

"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 7 300 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 7.3 kilograms of smoking tobacco by
weight. Tobacco products mean 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) British nuclear test defence service under the VEA;
(e) warlike service under the MRCA; or
(f) 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 4 September 2013.
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.

Misdetailed 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.
Endnotes

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)  
ex = 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)  
/par-sub = 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

Statement of Principles concerning Motor Neurone Disease 6
Instrument No. 67 of 2013
Veterans’ Entitlements Act 1986

Compilation No. 2  
Compilation date: 21/06/2018

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## Endnote 3—Legislation history

<table>
<thead>
<tr>
<th>Name</th>
<th>Registration</th>
<th>Commencement</th>
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<td>F2013L01655</td>
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### Endnote 4—Amendment history

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<td>Clause 6(b)</td>
<td>rep. No. 88 of 2018</td>
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<td>Clause 6(c)</td>
<td>rep. No. 88 of 2018</td>
</tr>
<tr>
<td>Clause 9 – &quot;a high impact contact activity&quot;</td>
<td>rep. No. 88 of 2018</td>
</tr>
<tr>
<td>Clause 9 - &quot;blows to the head&quot;</td>
<td>rep. No. 88 of 2018</td>
</tr>
<tr>
<td>Clause 7</td>
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