



Australian Government
Repatriation Medical Authority

REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 33 of 2011

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(2) of the *Veterans' Entitlements Act 1986* (the VEA), Statement of Principles Instrument No. 33 of 2011 concerning **subdural haematoma** and **death from subdural haematoma**.
2. The Authority is of the view that there is sound medical-scientific evidence that indicates that **subdural haematoma** and **death from subdural haematoma** can be related to particular kinds of service. The Authority has therefore determined this Statement of Principles concerning subdural haematoma pursuant to subsection 196B(2) of the VEA.
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 as a minimum exist, and which of those factors must be related to the following kinds of service rendered by a person:
 - operational service under the VEA;
 - peacekeeping service under the VEA;
 - hazardous service under the VEA;
 - warlike service under the MRCA;
 - non-warlike service under the MRCA,

before it can be said that a reasonable hypothesis has been raised connecting subdural haematoma or death from subdural haematoma, 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 **subdural haematoma** or **death from subdural haematoma** that was lodged on or after 1 June 1994 in the case of the VEA, or 1 July 2004 in the case of the MRCA respectively, unless this Statement of Principles upholds that claim (subsection 120A(3) of the VEA or subsection 338(3) of the MRCA).

6. This new Instrument results from an investigation notified by the Authority in the Government Notices Gazette of 12 May 2010 concerning subdural haematoma in accordance with section 196G of the VEA. The investigation involved an examination of the sound medical-scientific evidence available to the Authority.
7. Prior to determining this Instrument, the Authority advertised its intention to undertake an investigation in relation to subdural haematoma in the Government Notices Gazette of 12 May 2010, 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. No submissions were received for consideration by the Authority during the investigation.
8. The determining of this new Instrument finalises the investigation in relation to subdural haematoma as advertised in the Government Notices Gazette of 12 May 2010.
9. A list of references relating to the above condition is available to any person or organisation referred to in subsection 196E(1)(a) to (c) of the VEA. Any such request must be made in writing to the Repatriation Medical Authority at the following address:

The Registrar
Repatriation Medical Authority Secretariat
GPO Box 1014
BRISBANE QLD 4001