Commonwealth Coat of Arms

**Statement of Principles concerning inflammatory bowel disease No. 19 of 2012**

made under subsection 196B(2) of the

Veterans' Entitlements Act 1986

**Compilation No. 1**

**Compilation date:** 24 September 2018

**Includes amendments up to:** Veterans' Entitlements (Statements of Principles—Category 1B Stressor) Amendment Determination 2018 (No. 87 of 2018) (F2018L01188)

The day of commencement of this Amendment Determination is 24 September 2018.

**About this compilation**

**This compilation**

This is a compilation of the *Statement of Principles concerning inflammatory bowel disease No. 19 of 2012* that shows the text of the law as amended and in force on 24 September 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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

**INFLAMMATORY BOWEL DISEASE**

**No. 19 of 2012**

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 inflammatory bowel disease No. 19 of 2012.

**Determination**

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

(a) revokes Instrument No. 21 of 2001 concerning inflammatory bowel 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 **inflammatory bowel disease** and **death from inflammatory bowel disease**.

1. For the purposes of this Statement of Principles, **"inflammatory bowel disease"** means a chronic, autoimmune disorder of the gastrointestinal tract, characterised by diarrhoea and abdominal pain and sometimes associated with extra-intestinal manifestations, including peripheral arthritis, episcleritis, aphthous stomatitis, erythema nodosum and pyoderma gangrenosum. This definition includes ulcerative colitis, Crohn's disease and inflammatory bowel disease of unspecified type, but excludes bowel inflammation secondary to vascular insufficiency, food allergy, radiation, infection or gastrointestinal toxins.
2. Inflammatory bowel disease attracts ICD-10-AM code K50 or K51.
3. In the application of this Statement of Principles, the definition of **"inflammatory bowel 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 **inflammatory bowel disease** and **death from inflammatory bowel 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 **inflammatory bowel disease** or **death from inflammatory bowel disease** with the circumstances of a person’s relevant service is:

1. for ulcerative colitis only, in a person with a history of a regular smoking habit,

(i) ceasing to smoke within the ten years before the clinical onset of inflammatory bowel disease; and

(ii) continuing not to smoke for the three months before the clinical onset of inflammatory bowel disease; or

1. for Crohn’s disease only,

(i) smoking at least one pack-year of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of inflammatory bowel disease, and where smoking has ceased, the clinical onset of inflammatory bowel disease has occurred within four years of cessation; or

(ii) immersion in an atmosphere with a visible tobacco smoke haze in an enclosed space for at least 5000 hours before the clinical onset of inflammatory bowel disease, and where exposure to tobacco smoke haze has ceased, the clinical onset of inflammatory bowel disease has occurred within four years of cessation of exposure; or

1. using the combined oral contraceptive pill for a period of at least six months before the clinical onset of inflammatory bowel disease, and where use of the oral contraceptive pill has ceased, the clinical onset of inflammatory bowel disease has occurred within one year of cessation; or
2. being treated with a drug or a drug from a class of drugs in the specified list, for at least the seven days before the clinical onset of inflammatory bowel disease; or
3. undergoing solid organ, bone marrow or stem cell transplantation before the clinical onset of inflammatory bowel disease; or
4. for Crohn’s disease only,

(i) smoking at least one pack-year of cigarettes, or the equivalent thereof in other tobacco products, before the clinical worsening of inflammatory bowel disease, and where smoking has ceased, the clinical worsening of inflammatory bowel disease has occurred within four years of cessation; or

(ii) immersion in an atmosphere with a visible tobacco smoke haze in an enclosed space for at least 5000 hours before the clinical worsening of inflammatory bowel disease, and where exposure to tobacco smoke haze has ceased, the clinical worsening of inflammatory bowel disease has occurred within four years of cessation of exposure; or

1. being treated with a drug or a drug from a class of drugs in the specified list, for at least the seven days before the clinical worsening of inflammatory bowel disease; or
2. undergoing solid organ, bone marrow or stem cell transplantation before the clinical worsening of inflammatory bowel disease; or
3. experiencing a category 1A stressor within the three months before the clinical worsening of inflammatory bowel disease; or
4. experiencing a category 1B stressor within the three months before the clinical worsening of inflammatory bowel disease; or
5. experiencing a category 2 stressor within the one month before the clinical worsening of inflammatory bowel disease; or
6. having a clinically significant depressive disorder for at least the one year before the clinical worsening of inflammatory bowel disease; or
7. having clinical or laboratory evidence of a bowel infection in the one month before the clinical worsening of inflammatory bowel disease; or
8. inability to obtain appropriate clinical management for inflammatory bowel disease.

**Factors that apply only to material contribution or aggravation**

**7.** Paragraphs **6(f) to 6(n)** apply only to material contribution to, or aggravation of, inflammatory bowel disease where the person’s inflammatory bowel 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:

**"a category 1A stressor"** means one or more of the following severe traumatic events:

1. experiencing a life-threatening event;
2. being subject to a serious physical attack or assault including rape and sexual molestation; or
3. being threatened with a weapon, being held captive, being kidnapped, or being tortured;

**"a category 1B stressor"** means one of the following severe traumatic events:

(a) killing or maiming a person;

(b) being an eyewitness to a person being killed or critically injured;

(c) being an eyewitness to atrocities inflicted on another person;

(d) participating in the clearance of a corpse or a critically injured casualty; or

(e) viewing a corpse or a critically injured casualty as an eyewitness;

**"a category 2 stressor"** means one or more of the following negative life events, the effects of which are chronic in nature and cause the person to feel on-going distress, concern or worry:

1. being socially isolated and unable to maintain friendships or family relationships, due to physical location, language barriers, disability, or medical or psychiatric illness;
2. experiencing a problem with a long-term relationship including: the break-up of a close personal relationship, the need for marital or relationship counselling, marital separation, or divorce;
3. having concerns in the work or school environment including: on-going disharmony with fellow work or school colleagues, perceived lack of social support within the work or school environment, perceived lack of control over tasks performed and stressful work loads, or experiencing bullying in the workplace or school environment;
4. experiencing serious legal issues including: being detained or held in custody, on-going involvement with the police concerning violations of the law, or court appearances associated with personal legal problems;
5. having severe financial hardship including: loss of employment, long periods of unemployment, foreclosure on a property, or bankruptcy;
6. having a family member or significant other experience a major deterioration in their health; or
7. being a full-time caregiver to a family member or significant other with a severe physical, mental or developmental disability;

**"a corpse"** means the human remains or body parts of one or more persons who have met a violent or horrific death;

Note: Examples of a violent or horrific death may include death due to suicide, gunshot, improvised explosive devices, natural and technological disasters, terrorist attacks or motor vehicle accidents. Seeing a closed body bag or viewing a body in an open-casket coffin are excluded from this definition.

**"a drug or a drug from a class of drugs** **in the specified list"** means:

1. interferons;
2. isotretinoin;
3. non-steroidal anti-inflammatory drugs; or
4. tumour necrosis factor antagonists;

**"a regular smoking habit"** means having smoked at least one pack-year of cigarettes or the equivalent thereof in other tobacco products;

**"an eyewitness"** means a person who experiences an incident first hand and can give direct evidence of it. This excludes persons exposed only to public broadcasting or mass media coverage of the incident;

**"clinically significant"** means sufficient to warrant ongoing management, which may involve regular visits (for example, at least monthly), to a psychiatrist, counsellor or general practitioner;

**"death from inflammatory bowel disease"** in relation to a person includes death from a terminal event or condition that was contributed to by the person’s inflammatory bowel 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), Seventh Edition, effective date of 1 July 2010, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 154 5;

**"pack-year of cigarettes, or the equivalent thereof in other tobacco products"** means a calculation of consumption where one pack-year of cigarettes equals 20 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 7.3 kilograms of smoking tobacco by weight. Tobacco products means either cigarettes, pipe tobacco or cigars smoked, alone or in any combination;

**"relevant service"** means:

1. operational service under the VEA;
2. peacekeeping service under the VEA;
3. hazardous service under the VEA;
4. British nuclear test defence service under the VEA;
5. warlike service under the MRCA; or
6. non-warlike service under the MRCA;

**"terminal event"** means the proximate or ultimate cause of death and includes:

1. pneumonia;
2. respiratory failure;
3. cardiac arrest;
4. circulatory failure; or
5. 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 7 March 2012.

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

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

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| *Statement of Principles concerning inflammatory bowel disease No. 19 of 2012* | 29 February 2012  F2012L00449 | 7 March 2012 |  |
| *Veterans' Entitlements (Statements of Principles—Category 1B Stressor) Amendment Determination 2018 (No. 87 of 2018)* | 28 August 2018  F2018L01188 | 24 September 2018 |  |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| Clause 9 '"a category 1B stressor"……………' | rs. No. 87 of 2018 |
| Clause 9 '"an eyewitness"……………' | rs. No. 87 of 2018 |
| Clause 9 '"a corpse"….' | ad. No. 87 of 2018 |