

Statement of Principles
concerning

**SOLVENT RELATED CHRONIC
ENCEPHALOPATHY**

No. 40 of 2005

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 solvent related chronic encephalopathy No. 40 of 2005.

Determination

2. This Statement of Principles is determined by the Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the VEA).

Kind of injury, disease or death

3. (a) This Statement of Principles is about **solvent related chronic encephalopathy** and **death from solvent related chronic encephalopathy**.
(b) For the purposes of this Statement of Principles, "**solvent related chronic encephalopathy**" means a chronic, irreversible, non-progressive degenerative disease of the brain, which has the following features:
 - (A) Global mental impairment and the development of multiple cognitive deficits manifested by:
 - (1) persistent neurovegetative symptoms, including fatigue, impaired concentration, irritability, depression,

sleep disturbance, headaches, poor concentration, or forgetfulness; and

- (2) the demonstration in neurobehavioural tests of both:
- (a) memory impairment (impaired ability to learn new information or to recall previously learned information); and
 - (b) 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 such as learning and memory, attention, visuospatial ability, mental flexibility, perceptuomotor speed and information processing,

and which causes significant impairment in social or occupational functioning and represents a significant decline from a previous level of functioning.

- (B) There must be evidence from the history, physical examination, or laboratory findings that the deficits are aetiologically related to the persisting effects of organic solvents.
- (C) The deficits do not occur exclusively during the course of a delirium or acute intoxication and persist beyond the usual duration of intoxication or withdrawal, are not due to a general medical condition and are not better accounted for by another mental disorder. This definition excludes disorders resulting from the use of anaesthetic gases and short-acting vasodilators.

Basis for determining the factors

4. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **solvent related chronic encephalopathy** and **death from solvent related chronic encephalopathy** can be related to relevant service rendered by veterans 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 exist before it can be said that, on the balance of probabilities, **solvent related chronic encephalopathy** or **death from solvent related chronic encephalopathy** is connected with the circumstances of a person's relevant service is:
 - (a) having drug dependence or drug abuse involving an inhalant before the clinical onset of solvent related chronic encephalopathy; or
 - (b) having at least fifty episodes of acute volatile substance intoxication within a continuous period of one year and where the clinical onset of solvent related chronic encephalopathy occurs within two years after the last such episode; or
 - (c) inhaling, ingesting or having cutaneous contact with a specified volatile substance, in an unventilated and confined space, on more working days than not for a continuous period of at least ten years before the clinical onset of solvent related chronic encephalopathy, and where the clinical onset of solvent related chronic encephalopathy occurs within two years of that period.

Inclusion of Statements of Principles

7. 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

8. For the purposes of this Statement of Principles:

“a specified volatile substance” means one of the following:

- (a) toluene (methyl benzene);
- (b) styrene;
- (c) trichloroethylene;
- (d) dichloromethane; or
- (e) carbon disulphide;

“acute volatile substance intoxication” means reversible, clinically significant, maladaptive behavioural or psychological changes (eg.

belligerence, assaultiveness, apathy, impaired judgement, impaired social or occupational functioning) occurring during or shortly after the intentional use of, or short-term high-dose exposure to, a specified volatile substance, and which is accompanied by two or more of the following signs:

- (a) dizziness;
- (b) nystagmus;
- (c) incoordination;
- (d) slurred speech;
- (e) unsteady gait;
- (f) lethargy;
- (g) depressed reflexes;
- (h) psychomotor retardation;
- (i) tremor;
- (j) generalised muscle weakness;
- (k) blurred vision or diplopia;
- (l) stupor or coma; or
- (m) euphoria;

where the symptoms are not due to a general medical condition and are not better accounted for by another mental disorder;

“an inhalant” means:

- (a) petrol; or
- (b) butane; or
- (c) a specified volatile substance;

“confined space” means an area large enough to enter bodily and perform work, but which has limited means of entry and exit and is not designed for continuous occupancy;

“death from solvent related chronic encephalopathy” in relation to a person includes death from a terminal event or condition that was contributed to by the person’s solvent related chronic encephalopathy;

“relevant service” means:

- (a) eligible war service (other than operational service) under the VEA; or
- (b) defence service (other than hazardous service) under the VEA; or
- (c) peacetime 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.

Date of effect

9. This Instrument takes effect from 16 November 2005.

Dated this *eighth* day of *November* 2005

The Common Seal of the)
Repatriation Medical Authority)
was affixed to this instrument)
in the presence of:)

KEN DONALD
CHAIRPERSON