

Statement of Principles  
concerning

**SPINA BIFIDA**

**No. 61 of 2007**

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 spina bifida No. 61 of 2007.

**Determination**

2. The Repatriation Medical Authority under subsection **196B(2) and (8)** of the *Veterans' Entitlements Act 1986* (the VEA):
  - (a) revokes Instrument No. 59 of 1995 concerning spina bifida; and
  - (b) determines in its place this Statement of Principles.

**Kind of injury, disease or death**

3.
  - (a) This Statement of Principles is about **spina bifida** and **death from spina bifida**.
  - (b) For the purposes of this Statement of Principles, "**spina bifida**" means a congenital malformation characterised by incomplete closure of the bony encasement of the spinal cord, through which the cord and meninges may protrude.
  - (c) Spina bifida attracts ICD-10-AM code Q05 or Q76.0.
  - (d) In the application of this Statement of Principles, the definition of "**spina bifida**" is that given at paragraph 3(b) above.

### **Basis for determining the factors**

4. After examining the available sound medical-scientific evidence the Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that the only factor that may be related to the cause of or material contribution to or aggravation of **spina bifida** or **death from spina bifida** and which 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) is that set out in clause 5.

### **Factors that must be related to service**

5. The factor that must as a minimum exist in relation to the circumstances of a person's relevant service causing or materially contributing to or aggravating **spina bifida** or **death from spina bifida** is inability to obtain appropriate clinical management for spina bifida.

### **Other definitions**

6. For the purposes of this Statement of Principles:

**"death from spina bifida"** in relation to a person includes death from a terminal event or condition that was contributed to by the person's spina bifida;

**"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), Fifth Edition, effective date of 1 July 2006, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 772 3;

**"relevant service"** means:

- (a) operational service under the VEA; or
- (b) peacekeeping service under the VEA; or
- (c) hazardous service under the VEA; or
- (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**

7. This Instrument applies to all matters to which section 120A of the VEA or section 338 of the MRCA applies.

**Date of effect**

8. This Instrument takes effect from 9 May 2007.

Dated this **twenty-fourth** day of  
**April** 2007

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

KEN DONALD  
CHAIRPERSON