



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
CONCUSSION
(Reasonable Hypothesis)
(No. 92 of 2018)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(2) of the *Veterans' Entitlements Act 1986*.

Dated 26 October 2018

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

A handwritten signature in black ink, appearing to read 'Nicholas Saunders'.

Professor Nicholas Saunders AO
Chairperson

Contents

1	Name	3
2	Commencement	3
3	Authority	3
4	Repeal	3
5	Application.....	3
6	Definitions.....	3
7	Kind of injury, disease or death to which this Statement of Principles relates	3
8	Basis for determining the factors	4
9	Factors that must exist.....	4
10	Relationship to service	4
11	Factors referring to an injury or disease covered by another Statement of Principles.....	4
Schedule 1 - Dictionary		5
1	Definitions.....	5

1 Name

This is the Statement of Principles concerning *concussion (Reasonable Hypothesis)* (No. 92 of 2018).

2 Commencement

This instrument commences on 26 November 2018.

3 Authority

This instrument is made under subsection 196B(2) of the *Veterans' Entitlements Act 1986*.

4 Repeal

The Statement of Principles concerning concussion No. 64 of 2012 (Federal Register of Legislation No. F2012L01809) made under subsection 196B(2) of the VEA is repealed.

5 Application

This instrument applies to a claim to which section 120A of the VEA or section 338 of the *Military Rehabilitation and Compensation Act 2004* applies.

6 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

7 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about concussion and death from concussion.

Meaning of concussion

- (2) For the purposes of this Statement of Principles, concussion:

- (a) means a mild traumatic brain injury resulting from the transfer of kinetic energy to the brain from external physical forces, which is manifested by a temporary disturbance in neurological function that does not meet the criteria for moderate to severe traumatic brain injury; and
- (b) excludes injury from radiation, electricity, heat and surgery.

Note: This Statement of Principles applies to concussion only. Trauma to the brain can cause other diseases or injuries, and these are covered by a range of other Statements of Principles in which trauma to the brain (variously worded) is listed as a risk factor. The relevant Statements of Principles include but are not limited to: accommodation disorder, anosmia, arachnoid cyst, dementia pugilistica, epilepsy, epileptic seizure, hypopituitarism, narcolepsy, schizophrenia and subdural haematoma.

Death from concussion

- (3) For the purposes of this Statement of Principles, concussion, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's concussion.

Note: *terminal event* is defined in the Schedule 1 – Dictionary.

8 Basis for determining the factors

The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that concussion and death from concussion 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 MRCA.

Note: *MRCA*, *relevant service* and *VEA* are defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting concussion or death from concussion with the circumstances of a person's relevant service:

- (1) experiencing a specified event at the time of the clinical onset of concussion;

Note: *specified event* is defined in the Schedule 1 - Dictionary.

- (2) inability to obtain appropriate clinical management for concussion.

10 Relationship to service

- (1) The existence in a person of any factor referred to in section 9, must be related to the relevant service rendered by the person.
- (2) The factor set out in subsection 9(2) applies only to material contribution to, or aggravation of, concussion where the person's concussion was suffered or contracted before or during (but did not arise out of) the person's relevant service.

11 Factors referring to an injury or disease covered by another Statement of Principles

In this Statement of Principles:

- (1) if a factor referred to in section 9 applies in relation to a person; and
- (2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(2) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

concussion—see subsection 7(2).

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

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.

Note: **MRCA** and **VEA** are also defined in the Schedule 1 - Dictionary.

specified event means:

- (a) the head being struck by an object;
- (b) the head striking an object;
- (c) the brain undergoing an acceleration or deceleration movement without direct external trauma to the head; or
- (d) an explosion or explosive blast.

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

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

VEA means the *Veterans' Entitlements Act 1986*.