



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
CHRONIC MULTISYMPTOM ILLNESS
(Reasonable Hypothesis)
(No. 3 of 2020)

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

Dated 28 February 2020

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 'N. Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *chronic multisymptom illness (Reasonable Hypothesis)* (No. 3 of 2020).

2 Commencement

This instrument commences on 23 March 2020.

3 Authority

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

4 Repeal

The Statement of Principles concerning chronic multisymptom illness No. 55 of 2014 (Federal Register of Legislation No. F2014L00524) made under subsections 196B(2) and (8) of the VEA is repealed.

Note: The Statement of Principles concerning chronic multisymptom illness (No. 55 of 2014) was determined following an investigation concerning Gulf War syndrome which commenced on 31 October 2012. Although that investigation concerned the health of Gulf War veterans, the Statement of Principles concerning chronic multisymptom illness (Reasonable Hypothesis) (No. 3 of 2020) applies to all veterans and serving members with relevant service who have an illness which meets the definition.

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 chronic multisymptom illness and death from chronic multisymptom illness.

Meaning of chronic multisymptom illness

- (2) For the purposes of this Statement of Principles, chronic multisymptom illness means a condition characterised by multiple somatic symptoms which has been diagnosed by a specialist physician or a psychiatrist and which meets the following criteria:
- A. There are one or more current symptoms from two of the following three categories:
- (i) fatigue;

- (ii) mood-cognition: feeling depressed, difficulty remembering or concentrating, feeling moody, feeling anxious, trouble finding words or difficulty sleeping; or
 - (iii) musculoskeletal: joint pain, joint stiffness or muscle pain; and
- B. The collection of symptoms relied upon to make the diagnosis is distressing and results in significant disruption of social and occupational functioning; and
 - C. The collection of symptoms relied upon to make the diagnosis must have persisted for at least six consecutive months.

Death from chronic multisymptom illness

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

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 chronic multisymptom illness and death from chronic multisymptom illness 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 chronic multisymptom illness or death from chronic multisymptom illness with the circumstances of a person's relevant service:

- (1) living or working in a hostile or life-threatening environment for a period of at least 28 days in the six months before the clinical onset of chronic multisymptom illness;

Note: *hostile or life-threatening environment* is defined in the Schedule 1 - Dictionary.

- (2) experiencing a category 1A stressor in the six months before the clinical onset of chronic multisymptom illness;

Note: *category 1A stressor* is defined in the Schedule 1 - Dictionary.

- (3) experiencing a category 1B stressor in the six months before the clinical onset of chronic multisymptom illness;

Note: *category 1B stressor* is defined in the Schedule 1 - Dictionary.

- (4) inability to obtain appropriate clinical management for chronic multisymptom illness.

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(4) applies only to material contribution to, or aggravation of, chronic multisymptom illness where the person's chronic multisymptom illness 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:

category 1A stressor means one of the following severe traumatic events:

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

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.

Note: *corpse* and *eyewitness* are also defined in the Schedule 1 - Dictionary.

chronic multisymptom illness—see subsection 7(2).

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.

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.

hostile or life-threatening environment means a situation or setting which is characterised by a pervasive threat to life or bodily integrity, such as would be experienced in the following circumstances:

- (a) experiencing or being under threat of artillery, missile, rocket, mine or bomb attack; or
- (b) experiencing or being under threat of nuclear, biological or chemical agent attack; or
- (c) being involved in combat or going on combat patrols.

MRCAs 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.

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*.