



**Australian Government**  
**Repatriation Medical Authority**

**Statement of Principles**  
**concerning**  
**ANKYLOSING SPONDYLITIS**  
**(Reasonable Hypothesis)**  
**(No. 39 of 2021)**

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

Dated 26 March 2021

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

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.....	5
11	Factors referring to an injury or disease covered by another Statement of Principles .....	5
<b>Schedule 1 - Dictionary .....</b>		<b>6</b>
1	Definitions .....	6

**1 Name**

This is the Statement of Principles concerning *ankylosing spondylitis (Reasonable Hypothesis)* (No. 39 of 2021).

**2 Commencement**

This instrument commences on 27 April 2021.

**3 Authority**

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

**4 Repeal**

The Statement of Principles concerning ankylosing spondylitis No. 3 of 2013 (Federal Register of Legislation No. F2013L00018) made under subsection 196B(2) of the VEA is repealed.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 ankylosing spondylitis and death from ankylosing spondylitis.

*Meaning of ankylosing spondylitis*

- (2) For the purposes of this Statement of Principles, ankylosing spondylitis:
- (a) means a chronic, progressive, systemic inflammatory disease principally involving the sacroiliac joints and the axial skeleton; and
  - (b) excludes psoriatic arthritis, reactive arthritis and fibromyalgia.

Note: People with ankylosing spondylitis typically have HLA B27 antigen, are usually less than 45 years of age at clinical onset and may have associated manifestations of inflammatory back pain, an elevated C-reactive protein, peripheral arthritis, heel enthesitis, uveitis or a family history of spondyloarthritis.

- (3) While ankylosing spondylitis attracts ICD-10-AM code M45, in applying this Statement of Principles the meaning of ankylosing spondylitis is that given in subsection (2).
- (4) For subsection (3), a reference to an ICD-10-AM code is a reference to the code assigned to a particular kind of injury or disease in *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification* (ICD-10-AM), Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

#### *Death from ankylosing spondylitis*

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

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 ankylosing spondylitis and death from ankylosing spondylitis 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 ankylosing spondylitis or death from ankylosing spondylitis with the circumstances of a person's relevant service:

- (1) having periodontitis for at least the three months before the clinical onset of ankylosing spondylitis;
- (2) having periodontitis for at least the three months before the clinical worsening of ankylosing spondylitis;
- (3) for current smokers only, having smoked at least one pack-year of tobacco products before the clinical worsening of ankylosing spondylitis;

Note: *pack-year* is defined in the Schedule 1 - Dictionary.

- (4) being obese for at least five years within the ten years before the clinical worsening of ankylosing spondylitis;

Note: *being obese* is defined in the Schedule 1 - Dictionary.

- (5) inability to obtain appropriate clinical management for ankylosing spondylitis.

Note 1: inability to obtain appropriate clinical management includes inability to undertake prescribed ankylosing spondylitis exercises.

Note 2: *ankylosing spondylitis exercises* is defined in the Schedule 1 - Dictionary.

## **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 factors set out in subsections 9(2) to 9(5) apply only to material contribution to, or aggravation of, ankylosing spondylitis where the person's ankylosing spondylitis 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:

***ankylosing spondylitis***—see subsection 7(2).

***ankylosing spondylitis exercises*** means regular stretching and range of motion exercises, together with either aerobic exercises or group exercises.

***being obese*** means having a Body Mass Index (BMI) of 30 or greater.

Note: ***BMI*** is also defined in the Schedule 1 - Dictionary.

***BMI*** means  $W/H^2$  where:

- (a) W is the person's weight in kilograms; and
- (b) H is the person's height in metres.

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

***pack-year*** means an amount of tobacco equivalent to:

- (a) 20 cigarettes per day for a period of one calendar year; or
- (b) 7,300 cigarettes in a period of one calendar year; or
- (c) 7,300 grams of smoking tobacco by weight, either in cigarettes, pipe tobacco or cigars, or a combination of same.

***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*.