



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

**Statement of Principles**  
**concerning**  
**PINGUECULA**  
**(Balance of Probabilities)**  
**(No. 61 of 2024)**

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The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 20 August 2024.

Professor Terence Campbell AM  
Chairperson  
by and on behalf of  
The Repatriation Medical Authority

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## **1 Name**

This is the Statement of Principles concerning *pinguecula (Balance of Probabilities)* (No. 61 of 2024).

## **2 Commencement**

This instrument commences on 24 September 2024.

## **3 Authority**

This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

## **4 Repeal**

The Statement of Principles concerning pinguecula (Balance of Probabilities) No. 119 of 2015 (Federal Register of Legislation No. F2015L01672) made under subsection 196B(3) of the VEA is repealed.

## **5 Application**

This instrument applies to a claim to which section 120B of the VEA or section 339 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 pinguecula and death from pinguecula.

### *Meaning of pinguecula*

- (2) For the purposes of this Statement of Principles, pinguecula:
  - (a) means a small, raised benign elastotic conjunctival degeneration presenting as a fatty nodule near the temporal or nasal limbus (corneal-scleral junction) of the eye; and
  - (b) excludes pterygium.
- (3) While pinguecula attracts ICD-10-AM code H11.1, in applying this Statement of Principles the meaning of pinguecula 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 pinguacula*

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

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

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

On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that pinguacula and death from pinguacula can be related to relevant service rendered by veterans 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 exist before it can be said that, on the balance of probabilities, pinguacula or death from pinguacula is connected with the circumstances of a person's relevant service:

- (1) having sunlight exposure to the unprotected eye for at least 4,500 hours while in a tropical area, or having equivalent sunlight exposure in other latitude zones, before clinical onset;

Note: latitude equivalent hours of sun exposure are calculated as follows:

- (a) hours of sun exposure in tropical latitudes (23.5° Sth to 23.5° Nth) multiplied by 1.0;
- (b) hours of sun exposure in subtropical latitudes (23.6° - 35°) multiplied by 0.75;
- (c) hours of sun exposure in warm temperate latitudes (35.1° - 45°) multiplied by 0.5;
- (d) hours of sun exposure in cool temperate latitudes (45.1° - 65°) multiplied by 0.25;

The number of latitude equivalent hours of sun exposure in each region are then added together. This is done to account for differences in sunlight intensity at different latitudes.

- (2) inability to obtain appropriate clinical management for pinguacula before clinical worsening.

## **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, pinguacula where the person's pinguacula 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(3) 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:

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

*pinguecula*—see subsection 7(2).

*relevant service* means:

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