



Australian Government  
Repatriation Medical Authority

## Statement of Principles concerning

# ALPHA-1 ANTITRYPSIN DEFICIENCY

## No. 29 of 2015

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 alpha-1 antitrypsin deficiency No. 29 of 2015.

### Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
  - (a) revokes Instrument No. 1 of 2007 concerning alpha-1 antitrypsin deficiency; and
  - (b) determines in its place this Statement of Principles.

### Kind of injury, disease or death

3.
  - (a) This Statement of Principles is about **alpha-1 antitrypsin deficiency** and **death from alpha-1 antitrypsin deficiency**.
  - (b) For the purposes of this Statement of Principles, "**alpha-1 antitrypsin deficiency**" means a genetic disorder of plasma protein metabolism, heritable in an autosomal codominant pattern, which is characterised by reduced serum levels of alpha-1 antitrypsin. Common clinical manifestations include emphysema and cirrhosis of the liver.

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

4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **alpha-1 antitrypsin deficiency** and **death from alpha-1 antitrypsin deficiency** 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).

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

5. Subject to clause 7, at least one of the factors set out in clause 6 must be related to the relevant service rendered by the person.

### **Factors**

6. The factor that must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting **alpha-1 antitrypsin deficiency** or **death from alpha-1 antitrypsin deficiency** with the circumstances of a person's relevant service is:
  - (a) smoking at least five pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical worsening of alpha-1 antitrypsin deficiency; or
  - (b) inability to obtain appropriate clinical management for alpha-1 antitrypsin deficiency.

### **Factors that apply only to material contribution or aggravation**

7. Paragraphs **6(a)** and **6(b)** apply only to material contribution to, or aggravation of, alpha-1 antitrypsin deficiency where the person's alpha-1 antitrypsin deficiency was suffered or contracted before or during (but not arising out of) the person's relevant service.

### **Inclusion of Statements of Principles**

8. In this Statement of Principles if a relevant factor applies and that factor includes an injury or disease in respect of which there is a Statement of Principles then the factors in that last mentioned Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

### **Other definitions**

9. For the purposes of this Statement of Principles:

**"death from alpha-1 antitrypsin deficiency"** in relation to a person includes death from a terminal event or condition that was contributed to by the person's alpha-1 antitrypsin deficiency;

**"pack-years of cigarettes, or the equivalent thereof in other tobacco products"** means a calculation of consumption where one pack-year of cigarettes equals 20 tailor-made cigarettes per day for a period of one calendar year, or 7 300 cigarettes. One tailor-made cigarette approximates one gram of

tobacco or one gram of cigar or pipe tobacco by weight. One pack-year of tailor-made cigarettes equates to 7.3 kilograms of smoking tobacco by weight. Tobacco products mean cigarettes, pipe tobacco or cigars, smoked alone or in any combination;

**"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;

**"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**

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

### **Date of effect**

- 11.** This Instrument takes effect from 27 January 2015.

Dated this *nineteenth* day of *December* 2014

The Common Seal of the  
Repatriation Medical Authority  
was affixed at the direction of: )



PROFESSOR NICHOLAS SAUNDERS AO  
CHAIRPERSON