



Australian Government
Repatriation Medical Authority

Statement of Principles concerning

DEMENTIA PUGILISTICA

No. 12 of 2012

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 dementia pugilistica No. 12 of 2012.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 8 of 2000 concerning dementia pugilistica; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **dementia pugilistica** and **death from dementia pugilistica**.
 - (b) For the purposes of this Statement of Principles, "**dementia pugilistica**" means a chronic, neurodegenerative disorder causing disabling motor, cognitive and behavioural impairments; including impairment of frontal zone functioning and memory, ataxia, spasticity, impaired motor coordination, parkinsonism, impairment of affect attention, memory and executive function, disinhibition, irritability, euphoria or hypomania, impaired insight, paranoia and violent outbursts, and speech and gait abnormalities, occurring in individuals with a long history of repeated blows to the head.

It is also known as slap-happy syndrome, punch-drunk syndrome or chronic progressive traumatic encephalopathy of boxers.

This definition excludes encephalopathy resulting from a single episode of severe traumatic brain injury.

Basis for determining the factors

4. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **dementia pugilistica** and **death from dementia pugilistica** can be related to relevant service rendered by veterans 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 exist before it can be said that, on the balance of probabilities, **dementia pugilistica** or **death from dementia pugilistica** is connected with the circumstances of a person's relevant service is:
 - (a) having received at least 500 blows to the head within a continuous period of 20 years, while participating in a high impact contact activity, where the first blow to the head occurred at least 20 years before the clinical onset of dementia pugilistica; or
 - (b) having experienced at least 100 occasions within a continuous period of 20 years, during each of which numerous blows to the head were sustained, while participating in a high impact contact activity, and where the first occasion occurred at least 20 years before the clinical onset of dementia pugilistica; or
 - (c) inability to obtain appropriate clinical management for dementia pugilistica.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(c) applies only to material contribution to, or aggravation of, dementia pugilistica where the person's dementia pugilistica 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:

"blows to the head" means episodes in which blunt, non-penetrating rotatory or linear acceleration or deceleration forces, of at least of the intensity that would be received from a forceful punch to the head from a gloved fist, are applied (directly or indirectly) to the head, with or without concussion or loss of consciousness, but excluding blast injury and the heading of a soccer ball;

"death from dementia pugilistica" in relation to a person includes death from a terminal event or condition that was contributed to by the person's dementia pugilistica;

"high impact contact activity" means a sport or pastime in which there is forceful impact of the head with another object or person, such as boxing;

"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;

"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 120B of the VEA or section 339 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 11 January 2012.

Dated this *twenty-second* day of *December* 2011

The Common Seal of the)
Repatriation Medical Authority)
was affixed to this instrument)
in the presence of:)

KEN DONALD
CHAIRPERSON