



Australian Government
Repatriation Medical Authority

Statement of Principles concerning

CONCUSSION

No. 65 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 concussion No. 65 of 2012.

Determination

2. This Statement of Principles is determined by the Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the VEA).

Kind of injury, disease or death

3. (a) This Statement of Principles is about **concussion** and **death from concussion**.
(b) For the purposes of this Statement of Principles, "**concussion**" means a mild traumatic brain injury resulting from the transfer of kinetic energy to the brain from external physical forces, which is manifested by a temporary disturbance in neurological function that does not meet the criteria for moderate to severe traumatic brain injury. This definition excludes injury from radiation, electricity, heat or surgery.

Note: This Statement of Principles applies to the direct effects of mild traumatic brain injury. Trauma to the brain can cause other diseases or injuries and these are covered by a range of other Statements of Principles in which trauma to the brain (variously worded) is listed as a risk factor. The relevant Statements of Principles include but are not

limited to: epilepsy, epileptic seizure, subdural haematoma, cerebrovascular accident, anosmia, hypopituitarism and dementia pugilistica. The Repatriation Medical Authority has declared that postconcussion syndrome is not a disease or injury within the meaning of the *Veterans' Entitlements Act 1986*.

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 **concussion** and **death from concussion** 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, **concussion** or **death from concussion** is connected with the circumstances of a person's relevant service is:
 - (a) experiencing a significant force from a specified event at the time of the clinical onset of concussion; or
 - (b) inability to obtain appropriate clinical management for concussion.

Factors that apply only to material contribution or aggravation

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

"a specified event" means:

- (a) the head being struck by an object;
- (b) the head striking an object;
- (c) the brain undergoing an acceleration or deceleration movement without direct external trauma to the head;

- (d) a foreign body penetrating the brain; or
- (e) an explosion or explosive blast;

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

"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.

Date of effect

10. This Instrument takes effect from 5 September 2012.

Dated this *twenty-seventh* day of *August* 2012

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

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PROFESSOR NICHOLAS SAUNDERS AO
CHAIRPERSON