



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
SPASMODIC TORTICOLLIS
(Balance of Probabilities)
(No. 64 of 2016)

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

Dated 24 June 2016

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

A handwritten signature in black ink, appearing to read 'Nicholas Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *spasmodic torticollis (Balance of Probabilities)* (No. 64 of 2016).

2 Commencement

This instrument commences on 25 July 2016.

3 Authority

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

4 Revocation

The Statement of Principles concerning spasmodic torticollis No. 22 of 2008 made under subsection 196B(3) of the VEA is revoked.

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 spasmodic torticollis and death from spasmodic torticollis.

Meaning of spasmodic torticollis

- (2) For the purposes of this Statement of Principles, spasmodic torticollis means an acquired chronic focal dystonia, characterised by sustained or intermittent involuntary neck muscle contractions, causing repetitive movements or abnormal postures of the head.

The diagnosis is made in the absence of conditions which could account for the dystonia, including:

- (a) a drug-induced tardive dystonia; or
- (b) a generalised or hemi-dystonia; or
- (c) a neurological disorder; or
- (d) a posttraumatic dystonia; or
- (e) a structural lesion of the brain or cervical cord; or
- (f) local lesions of the cervical region.

- (3) While spasmodic torticollis attracts ICD-10-AM code G24.3, in applying this Statement of Principles the meaning of spasmodic torticollis 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), Ninth Edition, effective date of 1 July 2015, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-020-5.

Death from spasmodic torticollis

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

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 spasmodic torticollis and death from spasmodic torticollis can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *relevant service* is defined in the Schedule 1 – Dictionary.

9 Factor that must exist

The factor that must exist before it can be said that, on the balance of probabilities, spasmodic torticollis or death from spasmodic torticollis is connected with the circumstances of a person's relevant service is inability to obtain appropriate clinical management for spasmodic torticollis.

10 Relationship to service

The existence in a person of the factor referred to in section 9, applies only to material contribution to, or aggravation of, spasmodic torticollis where the person's spasmodic torticollis was suffered or contracted before or during (but did not arise out of) the person's relevant service.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

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

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.

spasmodic torticollis—see subsection 7(2).

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*.