



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
ANKYLOSING SPONDYLITIS
(Balance of Probabilities)
(No. 40 of 2021)

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

Dated 26 March 2021

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

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *ankylosing spondylitis (Balance of Probabilities)* (No. 40 of 2021).

2 Commencement

This instrument commences on 27 April 2021.

3 Authority

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

4 Repeal

The Statement of Principles concerning ankylosing spondylitis No. 4 of 2013 (Federal Register of Legislation No. F2013L00019) made under subsection 196B(3) of the VEA is repealed.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 ankylosing spondylitis and death from ankylosing spondylitis.

Meaning of ankylosing spondylitis

- (2) For the purposes of this Statement of Principles, ankylosing spondylitis:
- (a) means a chronic, progressive, systemic inflammatory disease principally involving the sacroiliac joints and the axial skeleton; and
 - (b) excludes psoriatic arthritis, reactive arthritis and fibromyalgia.

Note: People with ankylosing spondylitis typically have HLA B27 antigen, are usually less than 45 years of age at clinical onset and may have associated manifestations of inflammatory back pain, an elevated C-reactive protein, peripheral arthritis, heel enthesitis, uveitis or a family history of spondyloarthritis.

- (3) While ankylosing spondylitis attracts ICD-10-AM code M45, in applying this Statement of Principles the meaning of ankylosing spondylitis 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 ankylosing spondylitis

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

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 ankylosing spondylitis and death from ankylosing spondylitis 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, ankylosing spondylitis or death from ankylosing spondylitis is connected with the circumstances of a person's relevant service:

- (1) for current smokers only, having smoked at least one pack-year of tobacco products before the clinical worsening of ankylosing spondylitis;

Note: *pack-year* is defined in the Schedule 1 - Dictionary.

- (2) inability to obtain appropriate clinical management for ankylosing spondylitis.

Note 1: inability to obtain appropriate clinical management includes inability to undertake prescribed ankylosing spondylitis exercises.

Note 2: *ankylosing spondylitis exercises* is defined in the Schedule 1 - Dictionary.

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 factors set out in subsections 9(1) to 9(2) apply only to material contribution to, or aggravation of, ankylosing spondylitis where the person's ankylosing spondylitis 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:

ankylosing spondylitis—see subsection 7(2).

ankylosing spondylitis exercises means regular stretching and range of motion exercises, together with either aerobic exercises or group exercises.

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

pack-year means an amount of tobacco equivalent to:

- (a) 20 cigarettes per day for a period of one calendar year; or
- (b) 7,300 cigarettes in a period of one calendar year; or
- (c) 7,300 grams of smoking tobacco by weight, either in cigarettes, pipe tobacco or cigars, or a combination of same.

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*.