



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
PINGUECULA
(Balance of Probabilities)
(No. 119 of 2015)

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

Dated 16 October 2015

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', written in a cursive style.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *pinguecula (Balance of Probabilities)* (No. 119 of 2015).

2 Commencement

This instrument commences on 16 November 2015.

3 Authority

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

4 Revocation

The Statement of Principles concerning *pinguecula* No. 78 of 2007 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 *pinguecula* and death from *pinguecula*.

Meaning of pinguecula

- (2) For the purposes of this Statement of Principles, *pinguecula* means:
- (a) a small, raised benign conjunctival nodule arising near the temporal or nasal limbus (corneal-scleral junction) of the eye; and
 - (b) excludes pterygium.

Death from pinguecula

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

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 pinguecula and death from pinguecula 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 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, pinguecula or death from pinguecula is connected with the circumstances of a person's relevant service:

- (1) having sunlight exposure to the unprotected eye for at least 4 500 hours while in a tropical area, or having equivalent sunlight exposure in other latitude zones, before the clinical onset of pinguecula;

Note: *equivalent sunlight exposure in other latitude zones, tropical area* and *unprotected eye* are defined in the Schedule 1 – Dictionary.

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

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 factor set out in subsection 9(2) applies only to material contribution to, or aggravation of, pinguecula where the person's pinguecula 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:

equivalent sunlight exposure in other latitude zones means the cumulative hours of sunlight exposure equivalent to that specified for a tropical area, calculated by multiplying the hours of exposure in each latitude zone by the latitude weighting factor for the zone as per the latitude weighting factor schedule and adding together the result for each zone:

Latitude weighting factor schedule

Latitude zone	Latitude weighting factor
a latitude between 23° 27' South and 23° 27' North	1.0
a latitude from > 23° 27' to 35°	0.75
a latitude from > 35° to 45°	0.5
a latitude from > 45° to 65°	0.25.

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

pinguecula—see subsection 7(2).

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 the following:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

tropical area means any area between the Tropic of Capricorn (23° 27' South) and the Tropic of Cancer (23° 27' North).

unprotected eye means an eye exposed to sunlight and not protected by ultraviolet radiation screening devices.

VEA means the *Veterans' Entitlements Act 1986*.