

REPATRIATION MEDICAL AUTHORITY

STATEMENT OF PRINCIPLES NO. 50 of 2006

VETERANS' ENTITLEMENTS ACT 1986
MILITARY REHABILITATION AND COMPENSATION ACT 2004

EXPLANATORY NOTES FOR TABLING

1. The Repatriation Medical Authority ('the Authority') has determined, under subsection 196B(3) of the *Veterans' Entitlements Act 1986* (the VEA), Statement of Principles concerning shin splints No. 50 of 2006.
2. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that **shin splints** and **death from shin splints** can be related to particular kinds of service. The Authority has therefore determined this Statement of Principles concerning shin splints.
3. Pursuant to the provisions of the VEA and the *Military Rehabilitation and Compensation Act 2004* ('the MRCA'), claims for pension under the VEA or compensation under the MRCA are determined by the Repatriation Commission or the Military Rehabilitation and Compensation Commission by reference to Statements of Principles issued by the Authority pursuant to the VEA.
4. The Statement of Principles sets out the factors that must exist, and which of those factors must be related to the following kinds of service rendered by a person:
 - eligible war service (other than operational service) under the VEA;
 - defence service (other than hazardous service) under the VEA;
 - peacetime service under the MRCA,before it can be said that, on the balance of probabilities, shin splints or death from shin splints is connected with the circumstances of that service.
5. The Repatriation Commission, Military Rehabilitation and Compensation Commission, Veterans' Review Board, or Administrative Appeals Tribunal cannot accept any claim for pension; or a claim for liability or compensation relating to shin splints or death from shin splints that was lodged on or after 1 June 1994 in the case of VEA, or 1 July 2004 in the case of MCRA respectively, unless this Statement of Principles upholds that claim (subsection 120B(3) VEA or subsection 339(3) MRCA).

6. This new instrument results from the investigation concerning shin splints, notified by the Authority in the Government Notices Gazettes of 28 June 2006, in accordance with section 196G of the VEA. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority.
7. Prior to determining this instrument, the Authority advertised its intention to undertake an investigation in relation to shin splints in the Government Notices Gazette of 28 June 2006, and circulated a copy of the notice of intention to investigate to a wide range of organisations representing veterans, service personnel and their dependants. The Authority invited submissions from the Repatriation Commission, organisations and persons referred to in section 196E of the VEA, and any person having expertise in the field.
8. No submissions were received for consideration by the Authority during the investigation.
9. The determining of this new instrument finalises the investigation in relation to shin splints which was advertised in the Government Notices Gazettes of 28 June 2006.
10. A list of references relating to the above condition is available, on written request, from the Repatriation Medical Authority Secretariat.