

REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 23 of 2007

***VETERANS' ENTITLEMENTS ACT 1986***  
***MILITARY REHABILITATION AND COMPENSATION ACT 2004***

**EXPLANATORY NOTES FOR TABLING**

1. The Repatriation Medical Authority ('the Authority'), under subsection 196B(8) of the *Veterans' Entitlements Act 1986* ('the VEA') revokes Instrument No. 19 of 1998, as amended by Instrument No. 22 of 2002, determined under subsection 196B(2) of the VEA concerning **cardiomyopathy** and **death from cardiomyopathy**.
2. The Authority is of the view that there is sound medical-scientific evidence that indicates that **cardiomyopathy** and **death from cardiomyopathy** can be related to particular kinds of service. The Authority has therefore determined pursuant to subsection 196B(2) of the VEA a Statement of Principles, Instrument No. 23 of 2007 concerning cardiomyopathy. This Instrument will in effect replace the revoked Statements of Principles.
3. The provisions of the *Military Rehabilitation and Compensation Act 2004* ('the MRCA') relating to claims for compensation commenced on 1 July 2004. Claims under section 319 of the MRCA for acceptance of liability for a service injury sustained, a service disease contracted or service death on or after 1 July 2004 are determined by 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 as a minimum exist, and which of those factors must be related to the following kinds of service rendered by a person:
  - operational service under the VEA;
  - peacekeeping service under the VEA;
  - hazardous service under the VEA;
  - warlike service under the MRCA;
  - non-warlike service under the MRCA,

before it can be said that a reasonable hypothesis has been raised connecting cardiomyopathy or death from cardiomyopathy, with the circumstances of that service.

5. This new instrument results from an investigation notified by the Authority in the Government Notices Gazette of 2 March 2005 concerning cardiomyopathy in accordance with section 196G of the Act. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority, including the sound medical-scientific evidence it has previously considered.
  
6. The contents of the new Instrument are in similar terms as the revoked Instruments. Comparing the new and the revoked Instruments, the differences include:
  - adopting the latest revised Instrument format, which commenced in 2005;
  - deleting the ICD code from the Instrument header and from the definition of 'cardiomyopathy' in clause 3;
  - revising the definition of 'cardiomyopathy' in clause 3;
  - revising factor 6(b) & 6(za) concerning alcohol drinking for males;
  - revising factor 6(c) & 6(zb) concerning alcohol drinking for females;
  - revising factor 6(d) & 6(zc) concerning hypersensitivity reaction of the myocardium;
  - new factors 6(e) & 6(zd) concerning treatment with anthracycline;
  - new factors 6(f) & 6(ze) concerning treatment with chemotherapeutic agents;
  - new factors 6(g) & 6(zf) concerning treatment with chloroquine sulphate, chloroquine phosphate and hydroxychloroquine;
  - new factor 6(zg) concerning treatment with nonsteroidal anti-inflammatory drugs;
  - new factors 6(h) & 6(zh) concerning treatment with a drug from Specified List 1;
  - new factors 6(i) & 6(zi) concerning treatment with corticosteroids;
  - new factors 6(j) & 6(zj) concerning the use of cocaine, amphetamines and amphetamine derivatives;
  - new factors 6(k) & 6(zk) concerning carbon monoxide poisoning;
  - revised factors 6(l) & 6(zl) concerning HIV infection;
  - new factors 6(m) & 6(zm) concerning infection-related myocarditis;
  - new factors 6(n) & 6(zn) concerning specified endocrine disorders;
  - revised factors 6(o) & 6(zo) concerning generalised lipodystrophy;
  - new factors 6(p) & 6(zp) concerning catecholamine-secreting tumour;
  - new factors 6(q) & 6(zq) concerning specified autoimmune diseases;
  - new factors 6(r) & 6(zr) concerning infiltration of the myocardium due to a specified disorder;
  - revised factors 6(u) & 6(zu) concerning peripartum;
  - new factors 6(v) & 6(zv) concerning morbid obesity;
  - new factors 6(w) & 6(zw) concerning severe chronic renal failure;
  - new factors 6(x) & 6(zx) concerning envenomation by scorpion, spider or jellyfish;
  - new factor 6(y) concerning cardiac transplant;
  - new factors 6(z) & 6(zy) concerning selenium deficiency;

- deleting the definitions of 'alcohol (contained within alcoholic drinks)'; 'being infected with Human Immunodeficiency Virus (HIV)'; 'coxsackie B virus'; 'coxsackie myocarditis'; 'dermatomyositis'; 'haemochromatosis'; 'hypothyroidism'; 'ICD code'; 'idiosyncratic drug reaction'; 'Lyme disease myocarditis'; 'myocarditis'; 'phaeochromocytoma'; 'polyarteritis nodosa'; 'primary cardiomyopathy'; 'rickettsial myocarditis'; 'sarcoidosis'; 'secondary cardiomyopathy'; 'systemic lupus erythematosus'; 'systemic sclerosis'; 'thyrotoxicosis'; and 'total lipodystrophy';
  - revising definitions of 'beriberi'; and 'relevant service';
  - including new definitions of 'a drug from Specified List 1'; 'a hypersensitivity reaction of the myocardium to a drug'; 'a specified autoimmune disease'; 'a specified disorder'; 'a specified endocrine disorder'; 'a specified spider'; 'alcohol'; 'being peripartum'; 'carybdeid box jellyfish'; 'death from cardiomyopathy'; 'ICD-10-AM code'; 'iron overload'; 'selenium deficiency'; 'severe chronic renal failure'; and 'terminal event', in clause 9; and
  - specifying a date of effect for the Instrument in clause 11.
7. Further changes to the format of the Instrument reflect the commencement of the MRCA and clarify that pursuant to subsection 196B(3A) of the VEA, the Statement of Principles has been determined for the purposes of both the VEA and the MRCA.
  8. Prior to determining this instrument, the Authority advertised its intention to undertake an investigation in relation to cardiomyopathy in the Government Notices Gazette of 2 March 2005, 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. One submission was received for consideration by the Authority during the investigation.
  9. The determining of this new instrument finalises the investigation in relation to cardiomyopathy as advertised in the Government Notices Gazette of 2 March 2005.
  10. A list of references relating to the above condition is available, on written request, from the Repatriation Medical Authority Secretariat.