

REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 34 of 2009

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. 250 of 1995 determined under subsection 196B(3) of the VEA concerning **Cushing's syndrome**.
2. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that **Cushing's syndrome** and **death from Cushing's syndrome** can be related to particular kinds of service. The Authority has therefore determined pursuant to subsection 196B(3) of the VEA a Statement of Principles, Instrument No. 34 of 2009 concerning Cushing's syndrome. This Instrument will in effect replace the revoked Statement 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 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, Cushing's syndrome or death from Cushing's syndrome is connected 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 May 2007 concerning Cushing's syndrome in accordance with section 196G of the VEA. 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 Instrument. 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;
 - revising the definition of 'Cushing's syndrome' in clause 3;
 - revising factor 6(a) concerning 'neuroendocrine neoplasm';
 - revising factor 6(b) concerning 'adrenocorticotrophic hormone (ACTH) secreting neoplasm';
 - revising factor 6(c) concerning 'micronodular or macronodular adrenal hyperplasia';
 - revising factor 6(d) concerning 'adrenal neoplasm';
 - revising factor 6(e) concerning 'glucocorticoid therapy';
 - new factor 6(f) concerning 'medroxyprogesterone acetate or megestrol acetate';
 - new definitions of 'a drug from the specified list', 'a high or very high potency topical glucocorticoid', 'a neuroendocrine neoplasm', 'equivalent glucocorticoid therapy', 'equivalent inhaled glucocorticoid', 'death from Cushing's syndrome', 'having glucocorticoid therapy as specified', 'ICD-10-AM code', 'relevant service' and 'terminal event' in clause 9;
 - revising definition of 'an adrenal neoplasm' in clause 9;
 - deleting definition of 'ACTH', 'ACTH secreting pituitary adenoma', 'adrenal modular hyperplasia', 'CRH', 'ICD code' and 'neuroendocrine tumour'; 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 Cushing's syndrome in the Government Notices Gazette of 2 May 2007, 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. 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 Cushing's syndrome as advertised in the Government Notices Gazette of 2 May 2007.

10. A list of references relating to the above condition is available to any person or organisation referred to in subsection 196E(1)(a) to (c) of the VEA. Any such request must be made in writing to the Repatriation Medical Authority at the following address:

The Registrar
Repatriation Medical Authority Secretariat
GPO Box 1014
BRISBANE QLD 4001