

## REPATRIATION MEDICAL AUTHORITY

### INSTRUMENT NO. 13 of 2010

#### *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. 31 of 2005 determined under subsection 196B(2) of the VEA concerning **osteoarthritis**.
2. The Authority is of the view that there is sound medical-scientific evidence that indicates that **osteoarthritis** and **death from osteoarthritis** 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. 13 of 2010 concerning osteoarthritis. 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 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 osteoarthritis or death from osteoarthritis, with the circumstances of that service.

5. This new instrument results from an investigation notified by the Authority in the Government Notices Gazette of 20 December 2006 concerning osteoarthritis 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;
  - changing the name of the Instrument from 'osteoarthrosis' to 'osteoarthritis';
  - new definition of 'osteoarthritis' in clause 3;
  - all factors not specifically mentioned below have been revised to reflect the Instrument name change from 'osteoarthrosis' to 'osteoarthritis';
  - revising factors 6(c) & 6(v) concerning 'infection of the affected joint';
  - revising factors 6(i) & 6(bb) concerning 'disordered joint mechanics';
  - revising factors 6(k)(ii) & 6(dd)(ii) concerning 'hand-held, vibrating, percussive, industrial tool';
  - revising factors 6(m)(i) & 6(ff)(i) concerning 'lifting loads';
  - revising factors 6(n)(i) & 6(gg)(i) concerning 'being overweight';
  - new factors 6(j) & 6(cc) concerning 'necrosis of the subchondral bone';
  - new factors 6(k)(i) & 6(dd)(i) concerning 'repetitive activities or forceful activities';
  - new factors 6(l)(i) & 6(ee)(i) concerning 'amputation';
  - new factors 6(l)(ii) & 6(ee)(ii) concerning 'asymmetric gait';
  - new factors 6(m)(ii) & 6(ff)(ii) concerning 'carrying loads';
  - new factor 6(m)(iii) concerning 'bone mineral density';
  - new factors 6(n)(ii) & 6(gg)(ii) concerning 'waist to hip circumference ratio for males only';
  - new factors 6(n)(iii) & 6(gg)(iii) concerning 'waist to hip circumference ratio for females only';
  - new factors 6(q) & 6(jj) concerning 'chondromalacia patellae';
  - new factors 6(r) & 6(kk) concerning 'a disorder associated with loss of pain sensation';
  - new factors 6(s) & 6(ll) concerning 'Paget's disease';
  - new factors 6(t) & 6(mm) concerning 'acromegaly';
  - new definitions of 'a joint of the lower limb', 'an infection of the affected joint as specified', 'being overweight', 'forceful activities', 'increased bone mineral density' and 'lifting loads' in clause 9;
  - revising definitions of 'a depositional joint disease', 'disordered joint mechanics', 'hand joint', 'ICD-10-AM code', 'inflammatory joint disease', 'repetitive activities' and 'trauma to the affected joint' in clause 9;
  - deleting definitions of 'being obese' 'osteoarthrosis' and 'septic arthritis'; 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 osteoarthritis in the Government Notices Gazette of 20 December 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. Eight submissions were received for consideration by the Authority during the investigation.
9. The determining of this new instrument finalises the investigation in relation to osteoarthritis as advertised in the Government Notices Gazette of 20 December 2006.
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