



Australian Government
Repatriation Medical Authority

REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 106 of 2011

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. 40 of 2002, determined under subsection 196B(2) of the VEA concerning **malignant neoplasm of the bone or articular cartilage**.
2. The Authority is of the view that there is sound medical-scientific evidence that indicates that **malignant neoplasm of bone and articular cartilage** and **death from malignant neoplasm of bone and articular cartilage** 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. 106 of 2011 concerning malignant neoplasm of bone and articular cartilage. 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 malignant neoplasm of bone and articular cartilage or death from malignant neoplasm of bone and articular cartilage, with the circumstances of that service.

5. This Instrument results from an investigation notified by the Authority in the Government Notices Gazette of 30 June 2010 concerning malignant neoplasm of the bone or articular cartilage 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 this Instrument are in similar terms as the revoked Instrument. Comparing this Instrument and the revoked Instrument, 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 to 'malignant neoplasm of bone and articular cartilage';
 - revising the definition of 'malignant neoplasm of bone and articular cartilage' in clause 3;
 - revising factor 6(a) concerning 'ionising radiation', this factor replaces the existing factors 5(d) to 5(g) as they are now subsumed by this new factor;
 - revising factor 6(b) concerning 'Paget's disease of bone';
 - revising factor 6(c) concerning 'bone infarct';
 - revising factor 6(d) concerning 'chronic osteomyelitis';
 - new factor 6(e) concerning 'bone marrow transplant';
 - new definition of 'cumulative equivalent dose' in clause 9;
 - revising definitions of 'ICD-10-AM code' and 'relevant service' in clause 9;
 - deleting definitions of 'Becquerel' and 'body burden'; 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 malignant neoplasm of the bone or articular cartilage in the Government Notices Gazette of 30 June 2010, 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 Instrument finalises the investigation in relation to malignant neoplasm of the bone or articular cartilage as advertised in the Government Notices Gazette of 30 June 2010.

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