



**Australian Government**  
**Repatriation Medical Authority**

**REPATRIATION MEDICAL AUTHORITY**

**INSTRUMENT NO. 28 of 2012**

***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. 70 of 2001, as amended by Instrument No. 24 of 2006, determined under subsection 196B(3) of the VEA concerning **open-angle glaucoma** and **death from open-angle glaucoma**.
2. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that **open-angle glaucoma** and **death from open-angle glaucoma** 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. 28 of 2012 concerning open-angle glaucoma. 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 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 and British nuclear test defence service) under the VEA;
  - peacetime service under the MRCA,

before it can be said that, on the balance of probabilities, open-angle glaucoma or death from open-angle glaucoma is connected with the circumstances of that service.

5. This Instrument results from an investigation notified by the Authority in the Government Notices Gazette of 24 June 2009 concerning open-angle glaucoma 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 Instruments. Comparing this Instrument 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 'open-angle glaucoma' in clause 3;
  - revising factor 6(a) concerning 'glucocorticoid therapy as specified';
  - new factors 6(b) & 6(n) concerning 'a specified disorder of the affected eye or orbit';
  - revising factor 6(c) concerning 'neovascularisation of the iridocorneal angle of the affected eye due to a specified condition or procedure';
  - revising factor 6(d) concerning 'trauma as specified to the affected eye';
  - new factors 6(e) & 6(q) concerning 'sympathetic ophthalmia';
  - revising factor 6(f) concerning 'intraocular surgery to the affected eye';
  - new factors 6(g) & 6(s) concerning 'non-intraocular surgery to the affected eye';
  - new factors 6(h) & 6(t) concerning 'ionising radiation';
  - revising factor 6(i) concerning 'therapeutic radiation';
  - new factor 6(j) concerning 'Cushing's syndrome';
  - revising factors 6(k) & 6(w) concerning 'Graves' disease';
  - revising factors 6(l) & 6(x) concerning 'hypothyroidism';
  - new factor 6(m) concerning 'glucocorticoid therapy as specified' for clinical worsening;
  - new factor 6(o) concerning 'neovascularisation of the iridocorneal angle of the affected eye due to a specified condition or procedure' for clinical worsening;
  - new factor 6(p) concerning 'trauma as specified to the affected eye' for clinical worsening;
  - new factor 6(r) concerning 'intraocular surgery to the affected eye' for clinical worsening;
  - new factor 6(u) concerning 'therapeutic radiation' for clinical worsening;
  - new factor 6(v) concerning 'Cushing's syndrome' for clinical worsening;
  - deleting factors concerning 'uveitis', 'neoplasm', 'ipsilateral elevated episcleral venous pressure' and 'cataract of the affected eye' as they are now covered by factor 6(b) concerning 'a specified disorder of the affected eye or orbit';
  - deleting the factor concerning 'endogenous hypercortisolism' as it is now covered by factor 6(j) concerning 'Cushing's syndrome';
  - deleting the factor concerning 'rhegmatogenous retinal detachment' as it is now covered by factor 6(c) concerning 'neovascularisation of the

iridocorneal angle of the affected eye due to a specified condition or procedure';

- deleting factors concerning 'exfoliation syndrome', 'iridocorneal endothelial syndrome' and 'pigment dispersion syndrome';
- new definitions of 'a high or very high potency topical glucocorticoid', 'a specified condition or procedure', 'a specified disorder', 'cumulative equivalent dose', 'equivalent glucocorticoid therapy', 'equivalent inhaled glucocorticoid', 'having glucocorticoid therapy as specified', 'sympathetic ophthalmia' and 'trauma as specified' in clause 9;
- revising the definition of 'relevant service' in clause 9;
- deleting definitions of 'a condition which may give rise to neovascularisation of the iridocorneal angle', 'a course of therapeutic radiation', 'endogenous hypercortisolism', 'exfoliation syndrome', 'ghost cell glaucoma', 'hyphema', 'ICD-10-AM code', 'iridocorneal endothelial syndrome', 'neovascular glaucoma', 'penetrating keratoplasty', 'phacolytic glaucoma', 'pigmentary glaucoma', 'pigment dispersion syndrome', 'rhegmatogenous retinal detachment', 'significant trauma to the affected eye' and 'undergoing corticosteroid therapy as specified', 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 open-angle glaucoma in the Government Notices Gazette of 24 June 2009, 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. On 7 October 2011, the Authority wrote to organisations representing veterans, service personnel and their dependants regarding the proposed Instrument and the medical-scientific material considered by the Authority. This letter emphasised the deletion of factors relating to *exfoliation syndrome*, *iridocorneal endothelial syndrome* and *pigment dispersion syndrome*. The Authority provided an opportunity to the organisations to make representations in relation to the proposed Instrument prior to its determination. No submissions were received for consideration by the Authority.
10. This instrument is compatible with the Human Rights and Freedoms recognised or declared in the International Instruments listed in Section 3 of the *Human Rights (Parliamentary Scrutiny Act 2011)*.
11. The determining of this Instrument finalises the investigation in relation to open-angle glaucoma as advertised in the Government Notices Gazette of 24 June 2009.

12. 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