1. The Repatriation Medical Authority ('the Authority'), under subsection 196B(8) of the Veterans’ Entitlements Act 1986 ('the VEA') revokes Instrument No. 54 of 1996, determined under subsection 196B(3) of the VEA concerning Achilles tendonitis or bursitis and death from Achilles tendonitis or bursitis.

2. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that Achilles tendinopathy and bursitis and death from Achilles tendinopathy and bursitis 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. 38 of 2007 concerning Achilles tendinopathy and bursitis. 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, Achilles tendinopathy and bursitis or death from Achilles tendinopathy and bursitis 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 19 November 2003 concerning Achilles tendonitis or bursitis 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 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;
- new definition of 'Achilles tendinopathy and bursitis' in clause 3;
- rewording factors 6(a) & 6(e) concerning 'weight bearing exercise';
- new factors 6(c) & 6(g) concerning 'biomechanical abnormality';
- new factors 6(d) & 6(h) concerning 'fluoroquinolone antibiotics';
- deleting factors concerning 'renal transplant';
- revising the definitions of 'a systemic arthritic disease' and 'relevant service' in clause 9;
- new definitions of 'a specified biomechanical abnormality'; 'crystal-induced arthropathy'; 'death from Achilles tendinopathy or bursitis'; 'ICD-10-AM code'; 'MET'; 'reactive arthropathy' and 'terminal event'; in clause 9;
- deleting the definition of 'ICD code'; and 'vigorous physical activity' 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 Achilles tendinosis or bursitis in the Government Notices Gazette of 19 November 2003, 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.

9. Following the commencement of the MRCA, the Authority published a “Further Notice of Investigations” in the Government Notices Gazette of 14 July 2004, extending the closing date for submissions in relation to the above mentioned investigation until 10 September 2004. The Authority again invited submissions from the Repatriation Commission, organisations and persons referred to in section 196E of the VEA (who include persons eligible to make a claim under the MRCA), as well as the Military Rehabilitation and Compensation Commission and any person having expertise in the field. One submission was received for consideration by the Authority during the course of the investigation process.

10. On 20 December 2006, 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 renal transplant. 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.

11. The determining of this new instrument finalises the investigation in relation to Achilles tendonitis or bursitis as advertised in the Government Notices Gazette of 19 November 2003.

12. A list of references relating to the above condition is available, on written request, from the Repatriation Medical Authority Secretariat.