The Repatriation Medical Authority (the Authority), under subsection 196B(8) of the Veterans’ Entitlements Act 1986 (the VEA) revokes Instrument No. 301 of 1995 concerning congenital hallux valgus and Instrument No. 48 of 1998 concerning acquired hallux valgus, determined under subsection 196B(3) of the VEA.

The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that hallux valgus and death from hallux valgus 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. 92 of 2007 concerning hallux valgus. This Instrument will in effect replace the revoked Statements of Principles.

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.

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, hallux valgus or death from hallux valgus is connected with the circumstances of that service.

This new instrument results from investigations notified by the Authority in the Government Notices Gazette of 15 June 2005 concerning congenital hallux valgus and acquired hallux valgus, in accordance with section 196G of the Act. The investigations 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 Instruments. 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 'hallux valgus' in clause 3;
- deleting the onset factor concerning pes planus';
- revising factors 6(a) and 6(f) concerning 'ill-fitting footwear';
- revising factors 6(b) and 6(g) concerning 'inflammatory, depositional or infective arthrosis';
- revising factor 6(i) concerning 'amputation';
- new factors 6(d) and 6(j) concerning 'surgery';
- new factors 6(e) and 6(k) concerning 'trauma';
- revising definitions of 'amputation of the second toe or the second metatarsal head'; 'death from hallux valgus' and 'relevant service' in clause 9;
- deleting definitions of 'amputation'; 'congenital hallux valgus'; 'ICD code'; 'ICD-9-CM code'; 'osteoarthritis' and 'pes planus' from clause 9;
- new definitions of 'surgery to affected region' and 'trauma to the affected forefoot' 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 investigations in relation to congenital hallux valgus and acquired hallux valgus in the Government Notices Gazette of 15 June 2005, 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 investigations.

9. On 8 June 2007, 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 the onset factor relating to pes planus. 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. The determining of this new instrument finalises the investigations in relation to congenital hallux valgus and acquired hallux valgus as advertised in the Government Notices Gazette of 15 June 2005.

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