REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 29 of 2009

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. 81 of 1995, as amended by Instrument No. 11 of 2002, determined under subsection 196B(2) of the VEA concerning trigeminal neuropathy.

2. The Authority is of the view that there is sound medical-scientific evidence that indicates that trigeminal neuropathy and death from trigeminal neuropathy 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. 29 of 2009 concerning trigeminal neuropathy. 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 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 trigeminal neuropathy or death from trigeminal neuropathy, with the circumstances of that service.
5. This new instrument results from an investigation notified by the Authority in the Government Notices Gazette of 30 April 2008 concerning trigeminal neuropathy 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 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 'trigeminal neuropathy' in clause 3;
- revising factor 6(a) concerning 'multiple sclerosis';
- revising factor 6(b) concerning 'mass lesion' (this revised factor also includes previous factor related to 'arachnoiditis');
- revising factor 6(e) concerning 'dental or surgical procedure';
- revising factor 6(f) concerning 'traumatic injury';
- revising factor 6(h) concerning 'inflammatory connective tissue disease';
- revising factor 6(j) concerning 'osseus lesion' (this revised factor also includes previous factor related to 'Paget's disease of the skull');
- revising factor 6(k) concerning 'viral, bacterial or protozoal infection' (this revised factor includes previous factors for 'cerebral malaria' and 'nonlymphocytic infection');
- revising factor 6(n) concerning 'systemic disease' (this revised factor includes previous factors for 'sarcoidosis' and 'diabetes mellitus');
- revising factor 6(o) concerning 'treated with a drug' (this revised factor includes previous factor for 'hydroxystilbamidine isethionate');
- new factor 6(t) concerning 'multiple sclerosis';
- new factor 6(u) concerning 'mass lesion';
- new factors 6(c) & (v) concerning 'haematological malignancy or lymphoproliferative disorder';
- new factors 6(d) & (w) concerning 'cerebrovascular accident';
- new factor 6(x) concerning 'dental or surgical procedure';
- new factor 6(y) concerning 'traumatic injury';
- new factors 6(g) & (z) concerning 'sinus barotrauma';
- new factor 6(aa) concerning 'inflammatory connective tissue disease';
- new factors 6(i) & (bb) concerning 'systemic vasculitis';
- new factor 6(cc) concerning 'osseous lesion';
- new factor 6(dd) concerning 'viral, bacterial or protozoal infection';
- new factors 6(l) & (ee) concerning 'localised infection';
- new factors 6(m) & (ff) concerning 'herpes zoster';
- new factor 6(gg) concerning 'systemic disease';
- new factor 6(hh) concerning 'treated with a drug';
- new factors 6(p) & (ii) concerning 'inhaling, ingesting or having cutaneous contact';
- new factors 6(q) & (jj) concerning 'acute intoxication';
• new factors 6(r) & (kk) concerning 'therapeutic radiation';
• new factors 6(s) & (ll) concerning 'radiofrequency ablation';
• new definitions of 'a benign osseous lesion', 'a chemical substance from the specified list', 'a course of therapeutic radiation', 'a drug from the specified list', 'a haematological malignancy or lymphoproliferative disorder from the specified list', 'a localised infection from the specified list', 'a mass lesion', 'a systemic disease from the specified list', 'a systemic vasculitis from the specified list', 'a traumatic injury to the affected trigeminal nerve', 'a viral, bacterial or protozoal infection from the specified list', 'acute intoxication', 'an inflammatory connective tissue disease from the specified list', 'death from trigeminal neuropathy', 'radiofrequency ablation', 'relevant service' and 'terminal event' in clause 9;
• deleting definitions of 'arachnoiditis', 'cerebral malaria', 'connective tissue diseases', 'ICD code', 'multiple sclerosis', 'neuro-syphilis', 'Paget's disease', 'sarcoidosis' and 'tumour'; 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 trigeminal neuropathy in the Government Notices Gazette of 30 April 2008, 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.


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