



# **Statement of Principles concerning osteomyelitis No. 91 of 2014**

made under subsection 196B(3) of the

*Veterans' Entitlements Act 1986*

## **Compilation No. 1**

**Compilation date:** 18 September 2017

**Includes amendments up to:** Veterans' Entitlements (Statements of Principles—Cumulative Equivalent Dose) Amendment Determination 2017 (No. 58 of 2017) (F2017L01067)

The day of commencement of this Amendment Determination is 18 September 2017.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

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## About this compilation

### **This compilation**

This is a compilation of the *Statement of Principles concerning osteomyelitis No. 91 of 2014* that shows the text of the law as amended and in force on 18 September 2017.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### **Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### **Self-repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.



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

Statement of Principles  
concerning

**OSTEOMYELITIS**

**No. 91 of 2014**

for the purposes of the

*Veterans' Entitlements Act 1986*

and

*Military Rehabilitation and Compensation Act 2004*

**Title**

1. This Instrument may be cited as Statement of Principles concerning osteomyelitis No. 91 of 2014.

**Determination**

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
  - (a) revokes Instrument No. 6 of 2004 concerning osteomyelitis; and
  - (b) determines in its place this Statement of Principles.

**Kind of injury, disease or death**

3.
  - (a) This Statement of Principles is about **osteomyelitis** and **death from osteomyelitis**.
  - (b) For the purposes of this Statement of Principles, "**osteomyelitis**" means inflammation of bone caused by infection. This definition includes Brodie's abscess.

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- (c) Osteomyelitis attracts ICD-10-AM code M86, K10.2, M46.2 or M90.2.
  - (d) In the application of this Statement of Principles, the definition of "**osteomyelitis**" is that given at paragraph 3(b) above.

#### **Basis for determining the factors**

- 4. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **osteomyelitis** and **death from osteomyelitis** can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the *Military Rehabilitation and Compensation Act 2004* (the MRCA).

#### **Factors that must be related to service**

- 5. Subject to clause 7, at least one of the factors set out in clause 6 must be related to the relevant service rendered by the person.

#### **Factors**

- 6. The factor that must exist before it can be said that, on the balance of probabilities, **osteomyelitis** or **death from osteomyelitis** is connected with the circumstances of a person's relevant service is:
  - (a) having a wound, laceration, or other injury or disease disrupting the skin or mucosa at the site or adjacent to the site of osteomyelitis, within the one year before the clinical onset of osteomyelitis; or
  - (b) having a dental, medical or surgical procedure which breaches the skin or mucosa within the one year before the clinical onset of osteomyelitis; or
  - (c) having septicaemia, bacteraemia or systemic fungal infection within the one year before the clinical onset of osteomyelitis; or
  - (d) having a foreign body at the site or adjacent to the site of osteomyelitis at the time of the clinical onset of osteomyelitis; or
  - (e) having diabetes mellitus at the time of the clinical onset of osteomyelitis; or
  - (f) having a disease from Specified List 1 at the time of the clinical onset of osteomyelitis; or
  - (g) having chronic ischaemia of the affected limb from:
    - (i) chronic venous insufficiency of the lower limb; or
    - (ii) atherosclerotic peripheral vascular disease of the lower limb;at the time of the clinical onset of osteomyelitis; or

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- (h) having chronic lymphoedema of the affected limb at the time of the clinical onset of osteomyelitis; or
  - (i) being in an immunosuppressed state at the time of the clinical onset of osteomyelitis; or
  - (j) having received a cumulative equivalent dose of at least 20 sieverts of ionising radiation to the affected site before the clinical onset of osteomyelitis; or
  - (k) undergoing a course of therapeutic radiation for cancer, where the affected site was in the field of radiation, before the clinical onset of osteomyelitis; or
  - (l) having internal deposition of radium-224, radium-226, or radium-228 before the clinical onset of osteomyelitis; or
  - (m) having osteonecrosis at the site of osteomyelitis before the clinical onset of osteomyelitis; or
  - (n) having diabetes mellitus at the time of the clinical worsening of osteomyelitis; or
  - (o) having a disease from Specified List 2 at the time of the clinical worsening of osteomyelitis; or
  - (p) having chronic ischaemia of the affected limb from:
    - (i) chronic venous insufficiency of the lower limb; or
    - (ii) atherosclerotic peripheral vascular disease of the lower limb;at the time of the clinical worsening of osteomyelitis; or
  - (q) having chronic lymphoedema of the affected limb at the time of the clinical worsening of osteomyelitis; or
  - (r) being in an immunosuppressed state at the time of the clinical worsening of osteomyelitis; or
  - (s) inability to obtain appropriate clinical management for osteomyelitis.

**Factors that apply only to material contribution or aggravation**

7. Paragraphs **6(n) to 6(s)** apply only to material contribution to, or aggravation of, osteomyelitis where the person's osteomyelitis was suffered or contracted before or during (but not arising out of) the person's relevant service.

**Inclusion of Statements of Principles**

8. In this Statement of Principles if a relevant factor applies and that factor includes an injury or disease in respect of which there is a Statement of Principles then the factors in that last mentioned Statement of Principles apply

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in accordance with the terms of that Statement of Principles as in force from time to time.

### Other definitions

9. For the purposes of this Statement of Principles:

**"a disease from Specified List 1"** means:

- (a) chronic renal failure;
- (b) cirrhosis of the liver;
- (c) Crohn's disease;
- (d) osteopetrosis; or
- (e) sickle cell disorder;

**"a disease from Specified List 2"** means:

- (a) chronic renal failure;
- (b) cirrhosis of the liver; or
- (c) Crohn's disease;

**"an immunosuppressed state"** means a condition in which the immune response is substantially diminished. Examples of circumstances giving rise to this include haematological or solid organ malignancy, administration of immunosuppressive drugs, acute exposure to high doses of ionising radiation, severe malnutrition and human immunodeficiency virus infection;

**"chronic renal failure"** means having a glomerular filtration rate of less than 60 mL/min/1.73 m<sup>2</sup> for a period of at least three months, or the presence of irreversible kidney damage;

**"cumulative equivalent dose"** means the total dose of ionising radiation received by the particular organ or tissue from external exposure, internal exposure or both, apart from normal background radiation exposure in Australia, calculated in accordance with the methodology set out in *Guide to calculation of 'cumulative equivalent dose' for the purpose of applying ionising radiation factors contained in Statements of Principles determined under Part XIA of the Veterans' Entitlements Act 1986 (Cth)*, Australian Radiation Protection and Nuclear Safety Agency, as in force on 2 August 2017;

Note 1: Examples of circumstances that might lead to exposure to ionising radiation include being present during or subsequent to the testing or use of nuclear weapons, undergoing diagnostic or therapeutic medical procedures involving ionising radiation, and being a member of an aircrew, leading to increased levels of exposure to cosmic radiation.

Note 2: For the purpose of dose reconstruction, dose is calculated as an average over the mass of a specific tissue or organ. If a tissue is exposed to multiple sources of ionising radiation, the various dose estimates for each type of radiation must be combined.

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**"death from osteomyelitis"** in relation to a person includes death from a terminal event or condition that was contributed to by the person's osteomyelitis;

**"ICD-10-AM code"** means a number assigned to a particular kind of injury or disease in The International Statistical Classification of Diseases and Related Health Problems, 10th Revision, Australian Modification (ICD-10-AM), Eighth Edition, effective date of 1 July 2013, copyrighted by the Independent Hospital Pricing Authority, and having ISBN 978-1-74128-213-9;

**"osteonecrosis"** means death of bone due to obstruction of its blood supply;

**"osteopetrosis"** means a genetic disease characterised by abnormally dense bone due to defective reabsorption of immature bone known as marble bones disease;

**"relevant service"** means:

- (a) eligible war service (other than operational service) under the VEA;
- (b) defence service (other than hazardous service and British nuclear test defence service) under the VEA; or
- (c) peacetime service under the MRCA;

**"terminal event"** means the proximate or ultimate cause of death and includes:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

### **Application**

- 10.** This Instrument applies to all matters to which section 120B of the VEA or section 339 of the MRCA applies.

### **Date of effect**

- 11.** This Instrument takes effect from 17 November 2014.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.



**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	
exp = expires/expired or ceases/ceased to have effect	reloc = relocated
F = Federal Register of Legislation	renum = renumbered
gaz = gazette	rep = repealed
LA = <i>Legislation Act 2003</i>	rs = repealed and substituted
LIA = <i>Legislative Instruments Act 2003</i>	s = section(s)/subsection(s)
(md) = misdescribed amendment can be given effect	Sch = Schedule(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sdiv = Subdivision(s)
mod = modified/modification	SLI = Select Legislative Instrument
No. = Number(s)	SR = Statutory Rules
	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

**Endnote 3—Legislation history**

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
<i>Statement of Principles concerning osteomyelitis No. 91 of 2014</i>	22 October 2014 F2014L01381	17 November 2014	
<i>Veterans' Entitlements (Statements of Principles—Cumulative Equivalent Dose) Amendment Determination 2017 (No. 58 of 2017)</i>	22 August 2017 F2017L01067	18 September 2017	

**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
Clause 9 – ' "cumulative equivalent dose".....'	rs. Instrument No. 58 of 2017