

REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 39 of 2008

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. 37 of 2001, as amended by Instrument No. 32 of 2002, determined under subsection 196B(2) of the VEA concerning **acquired cataract** and **death from acquired cataract**.
2. The Authority is of the view that there is sound medical-scientific evidence that indicates that **acquired cataract** and **death from acquired cataract** 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. 39 of 2008 concerning acquired cataract. 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 acquired cataract or death from acquired cataract, with the circumstances of that service.

5. This new instrument results from an investigation notified by the Authority in the Government Notices Gazette of 1 March 2006 concerning acquired cataract 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 'acquired cataract' in clause 3;
 - deleting factor concerning 'solar UV damage factor ratio';
 - new factors 6(a) & 6(n) concerning 'sunlight exposure';
 - revising factors 6(c) & 6(p) concerning 'diabetes mellitus';
 - revising factors 6(d) & 6(q) concerning 'glaucoma';
 - revising factors 6(f) & 6(s) concerning 'a cumulative equivalent dose of atomic radiation';
 - revising factors 6(g) & 6(t) concerning 'physical trauma';
 - revising factor 6(h) concerning 'oral, topical or inhalational corticosteroids';
 - new factors 6(i) & 6(v) concerning 'severe thermal or chemical burn';
 - revising factors 6(j) & 6(w) concerning 'electrical injury';
 - new factors 6(l) & 6(y) concerning 'uveitis or iridocyclitis';
 - revising factors 6(m) & 6(z) concerning 'chronic hypocalcaemia';
 - new factor 6(o) concerning 'smoking';
 - new definitions of 'a severe thermal or chemical burn', 'a tropical area', 'equivalent sunlight exposure in other latitude zones', 'hypocalcaemia' and 'the unprotected eye' in clause 9;
 - revising definitions of 'being treated with oral, topical or inhalational corticosteroids as specified', 'ICD-10-AM code', 'pack years of cigarettes, or the equivalent thereof in other tobacco products' and 'relevant service' in clause 9;
 - deleting definition of 'solar UV damage factor ratio'; 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 acquired cataract in the Government Notices Gazette of 1 March 2006, 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.

9. On 19 March 2008, 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 *solar UV damage factor ratio*. 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 investigation in relation to acquired cataract as advertised in the Government Notices Gazette of 1 March 2006.
11. A list of references relating to the above condition is available, on written request, from the Repatriation Medical Authority Secretariat.