

## REPATRIATION MEDICAL AUTHORITY

### INSTRUMENT NO. 64 of 2010

#### *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:
  - (i) Instrument No. 116 of 1995, as amended by Instrument No. 20 of 2004, determined under subsection 196B(3) of the VEA concerning **acute blepharitis** and **death from acute blepharitis**; and
  - (ii) Instrument No. 118 of 1995, as amended by Instrument No. 22 of 2004, determined under subsection 196B(3) of the VEA concerning **chronic blepharitis** and **death from chronic blepharitis**.
2. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that **blepharitis** and **death from blepharitis** 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. 64 of 2010 concerning blepharitis. 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 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, blepharitis or death from blepharitis is connected with the circumstances of that service.

5. This new Instrument results from investigations notified by the Authority in the Government Notices Gazette of 25 June 2008 concerning acute blepharitis and chronic blepharitis. These notices were done in accordance with section 196G of the VEA. 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;
  - changing the name of the Instrument to 'blepharitis';
  - new definition of 'blepharitis' in clause 3;
  - revising factors 6(a) & 6(r) concerning 'seborrhoeic dermatitis';
  - revising factors 6(b) & 6(s) concerning 'ocular rosacea';
  - revising factors 6(c) & 6(t) concerning 'infection of the eyelid';
  - revising factors 6(d) & 6(u) concerning 'infestation of *Phthirus pubis* lice';
  - revising factors 6(e) & 6(v) concerning 'infestation of *Demodex folliculorum* or *Demodex brevis* mites';
  - revising factors 6(g) & 6(x) concerning 'exposure to an allergen';
  - revising factors 6(h) & 6(y) concerning 'exposure to an irritant substance';
  - revising factors 6(i) & 6(z) concerning 'being in an immunocompromised state';
  - revising factors 6(j) & 6(aa) concerning 'mustard gas';
  - revising factors 6(l) & 6(cc) concerning 'neoplasm';
  - revising factors 6(m) & 6(dd) concerning 'xerophthalmia';
  - new factors 6(f) & 6(w) concerning 'vitamin A or vitamin B complex deficiency';
  - new factors 6(k) & 6(bb) concerning 'therapeutic radiation';
  - new factors 6(n) & 6(ee) concerning 'diabetes mellitus';
  - new factor 6(o) concerning 'smallpox immunisation';
  - new factor 6(p) concerning 'treatment with an epidermal growth factor receptor inhibitor';
  - new factor 6(q) concerning 'treatment with hydroxyurea or indinavir';
  - deleting onset factors concerning 'ionising radiation' and 'Parkinson's disease';
  - deleting worsening factors concerning 'conjunctivitis' and 'uveitis, scleritis or episcleritis';
  - previous factor concerning 'suffering from a sty' is now redundant as it is covered by the revised factor concerning 'an infection of the eyelid';
  - previous factor concerning 'Sezary's syndrome' is now redundant as it is covered by the revised factor concerning 'neoplasm';
  - new definitions of 'a course of therapeutic radiation', 'an allergen', 'an immunocompromised state', 'an infection of the eyelid', 'an irritant substance', 'death from blepharitis', 'relevant service' and 'terminal event' in clause 9;
  - revising definition of 'ocular rosacea' in clause 9;

- deleting definitions of 'acute blepharitis', 'allergens', 'chronic blepharitis', 'conjunctivitis', '*Demodex* mites', 'episcleritis', 'ICD code', 'immuno-compromised state', 'ionising radiation', 'irritant substances', 'mustard gas', 'Parkinson's disease', 'pubic lice', 'seborrhoeic dermatitis', 'Sezary's syndrome', 'scleritis', 'stye', 'uveitis' and 'xerophthalmia'; 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 acute blepharitis and chronic blepharitis in the Government Notices Gazette of 25 June 2008, and circulated a copy of the notices 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 3 June 2010, 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 *ionising radiation*, *conjunctivitis*, *uveitis*, *scleritis*, *episcleritis* and *Parkinson's disease*. 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 acute blepharitis and chronic blepharitis as advertised in the Government Notices Gazette of 25 June 2008.
  11. 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