



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

**REPATRIATION MEDICAL AUTHORITY**

**INSTRUMENT NO. 89 of 2011**

***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. 11 of 2004, as amended by Instrument No. 9 of 2008, determined under subsection 196B(2) of the VEA concerning **diabetes mellitus** and **death from diabetes mellitus**.
2. The Authority is of the view that there is sound medical-scientific evidence that indicates that **diabetes mellitus** and **death from diabetes mellitus** 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. 89 of 2011 concerning diabetes mellitus. 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 diabetes mellitus or death from diabetes mellitus, with the circumstances of that service.

5. This Instrument results from an investigation notified by the Authority in the Government Notices Gazette of 24 June 2009 concerning diabetes mellitus 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 this Instrument are in similar terms as the revoked Instruments. Comparing this Instrument and the revoked Instruments, the differences include:
- adopting the latest revised Instrument format, which commenced in 2005;
  - revising the definition of 'diabetes mellitus' in clause 3;
  - new factor 6(a)(ii) concerning 'interferon alpha' for type 1 diabetes mellitus only;
  - new factors 6(b)(i) & 6(j)(i) concerning 'being overweight' for type 2 diabetes mellitus only, which subsume the previous factor concerning 'being obese';
  - new factors 6(b)(iv) & 6(j)(iv) concerning 'being in an atmosphere with a visible tobacco smoke haze' for type 2 diabetes mellitus only;
  - new factors 6(b)(vi) & 6(j)(vi) concerning 'glucocorticoid therapy' for type 2 diabetes mellitus only, which subsume the previous factors concerning 'drug treatment';
  - new factors 6(b)(vii) & 6(j)(vii) concerning 'contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD)' for type 2 diabetes mellitus only, which subsume the previous factors concerning 'TCDD contaminated herbicides';
  - new factors 6(b)(ix) & 6(j)(ix) concerning 'bilateral orchiectomy' for type 2 diabetes mellitus only;
  - new factors 6(b)(x) & 6(j)(x) concerning 'arsenic' for type 2 diabetes mellitus only;
  - new factors 6(b)(xi) & 6(j)(xi) concerning 'human immunodeficiency virus' for type 2 diabetes mellitus only;
  - new factors 6(b)(xii) & 6(j)(xii) concerning 'depressive disorder, bipolar disorder or schizophrenia' for type 2 diabetes mellitus only;
  - new factor 6(b)(xiii) concerning 'being pregnant' for clinical onset of type 2 diabetes mellitus only, which subsumes the previous factor concerning 'gestational diabetes';
  - new factors 6(c) & 6(k) concerning 'a specified pathological condition involving the pancreas' which subsume the previous factors concerning 'acute pancreatitis or chronic pancreatitis', 'malignant neoplasm of the pancreas', 'cystic fibrosis' and 'haemochromatosis';
  - new factors 6(e) & 6(m) concerning 'a specified endocrine disorder' which subsume the previous factors concerning 'Cushing's syndrome', 'acromegaly' and 'phaeochromocytoma';
  - new factors 6(f) & 6(n) concerning 'a drug or a drug from a class of drugs' which subsume the previous factors concerning 'drug treatment';
  - new factors 6(g) & 6(o) concerning '*N*-3-pyridyl methyl-*N*'-p-nitrophenyl urea (Vacor)';

- new factors 6(h) & 6(p) concerning 'solid organ or bone marrow transplantation' which subsume the previous factor concerning 'immunosuppressive drugs for organ transplantation';
  - new factors 6(i) & 6(q) concerning 'haemolytic uraemic syndrome';
  - deleting existing factor 5(v) concerning 'Coxsackie B virus';
  - deleting existing factor 5 (s) concerning 'serum TCDD';
  - new definitions of 'a drug from specified list 2', 'a drug or a drug from a class of drugs from the specified list', 'a high or very high potency topical glucocorticoid', 'a specified endocrine disorder', 'a specified pathological condition involving the pancreas', 'being exposed to arsenic as specified', 'being overweight', 'equivalent glucocorticoid therapy', 'equivalent inhaled glucocorticoid', 'haemolytic uraemic syndrome', 'having glucocorticoid therapy as specified' and 'inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD)' in clause 9;
  - revising definitions of 'being infected with a Coxsackie B virus', 'ICD-10-AM code', 'relevant service', 'type 1 diabetes mellitus' and 'type 2 diabetes mellitus' in clause 9;
  - deleting definitions of '2,3,7,8-TCDD contaminated herbicides', 'acromegaly', 'being obese', 'cystic fibrosis', 'gestational diabetes', 'phaeochromocytoma', 'reported to have caused hyperglycaemia' and 'serum 2,3,7,8-TCDD'; 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 diabetes mellitus in the Government Notices Gazette of 24 June 2009, 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 10 March 2011, 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 serum 2,3,7,8-TCDD level and infection with Coxsackie B virus. 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. Whilst no submissions were received as a result of the invitation, two further submissions and additional information were received in relation to 2,3,7,8-TCDD (dioxin) and potable water. The Authority also received and considered an oral

submission made by an eligible party in accordance with subsection 196F(3) of the VEA.

11. The determining of this Instrument finalises the investigation in relation to diabetes mellitus as advertised in the Government Notices Gazette of 24 June 2009.
12. 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