



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

**REPATRIATION MEDICAL AUTHORITY**

**INSTRUMENT NO. 95 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. 70 of 2010, determined under subsection 196B(3) of the VEA concerning **acute sprain and acute strain**.
2. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that **sprain and strain** and **death from sprain and strain** 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. 95 of 2011 concerning sprain and strain. This Instrument will in effect replace the revoked Statement 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, sprain and strain or death from sprain and strain is connected with the circumstances of that service.

5. This Instrument results from investigations notified by the Authority in the Government Notices Gazette of 3 November 2010 concerning acute sprain and acute strain, and concerning chronic sprain and chronic strain, 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 Instrument. Comparing this Instrument and the revoked Instrument, the differences include:
  - changing the name of the Instrument to 'sprain and strain' to broaden coverage of the instrument to encompass both acute and chronic sprain and strain;
  - revising the definitions of 'sprain' and 'strain' in clause 3;
  - revising factors 6(a) and 6(c) concerning 'a significant physical force to or through the affected joint';
  - revising factors 6(b) and 6(d) concerning 'forceful stretching or high intensity use of a muscle or tendon';
  - 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 sprain and acute strain, and in relation to chronic sprain and chronic strain, in the Government Notices Gazette of 3 November 2010, 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 investigation.
9. The determining of this Instrument finalises the investigations in relation to acute sprain and acute strain, and in relation to chronic sprain and chronic strain, as advertised in the Government Notices Gazette of 3 November 2010.
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