



Australian Government
Repatriation Medical Authority

REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 9 of 2012

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. 66 of 1998, determined under subsection 196B(2) of the VEA concerning **aortic aneurysm**.
2. The Authority is of the view that there is sound medical-scientific evidence that indicates that **aortic aneurysm** and **death from aortic aneurysm** 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. 9 of 2012 concerning aortic aneurysm. 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 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;
 - British nuclear test defence 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 aortic aneurysm or death from aortic aneurysm, 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 aortic aneurysm 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:
 - adopting the latest revised Instrument format, which commenced in 2005;
 - deleting the ICD code from the Instrument header;
 - revising the definition of 'aortic aneurysm' in clause 3;
 - revising factors 6(a) & 6(o) concerning 'smoking';
 - revising factors 6(b) & 6(p) concerning 'being in an atmosphere with a visible tobacco smoke haze';
 - revising factors 6(c) & 6(q) concerning 'hypertension';
 - revising factors 6(d) & 6(r) concerning 'dyslipidaemia';
 - revising factors 6(e) & 6(s) concerning 'Marfan syndrome, Ehler-Danlos type IV syndrome, cutis laxa or bicuspid aortic valve';
 - revising factors 6(f) & 6(t) concerning 'cystic medial necrosis';
 - revising factors 6(g) & 6(u) concerning 'infective aortitis';
 - revising factors 6(h) & 6(v) concerning 'BCG vaccine';
 - revising factors 6(i) & 6(w) concerning 'tertiary syphilis';
 - revising factors 6(j) & 6(x) concerning 'trauma to the aorta';
 - revising factors 6(k) & 6(y) concerning 'rheumatic aortitis due to a specified condition';
 - revising factors 6(l) & 6(z) concerning 'Takayasu's arteritis or giant cell arteritis';
 - revising factors 6(m) & 6(aa) concerning 'coarctation of the aorta';
 - new factors 6(n) & 6(bb) concerning 'hyperhomocysteinaemia';
 - new factor 6(cc) concerning 'chronic bronchitis or emphysema';
 - new definitions of 'a specified condition', 'hyperhomocysteinaemia', 'ICD-10-AM code' and 'pack-year of cigarettes, or the equivalent thereof in other tobacco products' in clause 9;
 - revising definitions of 'cystic medial necrosis', 'dyslipidaemia', 'relevant service' and 'trauma to the aorta' in clause 9;
 - deleting definitions of 'giant cell arteritis' and 'Marfan syndrome'; 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 aortic aneurysm 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. This instrument is compatible with the Human Rights and Freedoms recognised or declared in the International Instruments listed in Section 3 of the *Human Rights (Parliamentary Scrutiny Act 2011)*.
10. The determining of this Instrument finalises the investigation in relation to aortic aneurysm as advertised in the Government Notices Gazette of 24 June 2009.
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