

Statement of Principles
concerning

JOINT INSTABILITY

No. 33 of 2010

for the purposes of the

Veterans' Entitlements Act 1986
and

Military Rehabilitation and Compensation Act 2004

Title

1. This Instrument may be cited as Statement of Principles concerning joint instability No. 33 of 2010.

Determination

2. This Statement of Principles is determined by the Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the VEA).

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **joint instability** and **death from joint instability**.
 - (b) For the purposes of this Statement of Principles, "**joint instability**" means acquired lack of stability of a joint due to damage to or abnormality of the stabilizing structures of that joint, manifesting as recurrent subluxation, recurrent dislocation or recurrent sprain.
 - (c) Joint instability attracts ICD-10-AM code M22.0, M22.1, M24.2, M24.4, M25.3, M43.3, M43.4 or M43.5.
 - (d) In the application of this Statement of Principles, the definition of "**joint instability**" is that given at paragraph 3(b) above.

Basis for determining the factors

4. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **joint instability** and **death from joint instability** can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the *Military Rehabilitation and Compensation Act 2004* (the MRCA).

Factors that must be related to service

5. Subject to clause 7, at least one of the factors set out in clause 6 must be related to the relevant service rendered by the person.

Factors

6. The factor that must exist before it can be said that, on the balance of probabilities, **joint instability** or **death from joint instability** is connected with the circumstances of a person's relevant service is:
 - (a) having damage to a soft tissue structure as specified, at the time of the clinical onset of joint instability; or
 - (b) having laxity of the joint capsule or a stabilising ligament of the affected joint, at the time of the clinical onset of joint instability; or
 - (c) having a fracture, avulsion or bony defect involving the articulating surfaces of the affected joint, at the time of the clinical onset of joint instability; or
 - (d) having a biomechanical abnormality involving the affected joint, at the time of the clinical onset of joint instability; or
 - (e) having a disease process affecting the normal structural or functional relationship between the articulating surfaces of the affected joint, at the time of the clinical onset of joint instability; or
 - (f) having damage to a soft tissue structure as specified, at the time of the clinical worsening of joint instability; or
 - (g) having laxity of the joint capsule or a stabilising ligament of the affected joint, at the time of the clinical worsening of joint instability; or

- (h) having a fracture, avulsion or bony defect involving the articulating surfaces of the affected joint, at the time of the clinical worsening of joint instability; or
- (i) having a biomechanical abnormality involving the affected joint, at the time of the clinical worsening of joint instability; or
- (j) having a disease process affecting the normal structural or functional relationship between the articulating surfaces of the affected joint, at the time of the clinical worsening of joint instability; or
- (k) inability to obtain appropriate clinical management for joint instability.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(f) to 6(k)** apply only to material contribution to, or aggravation of, joint instability where the person's joint instability was suffered or contracted before or during (but not arising out of) the person's relevant service.

Inclusion of Statements of Principles

8. In this Statement of Principles if a relevant factor applies and that factor includes an injury or disease in respect of which there is a Statement of Principles then the factors in that last mentioned Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Other definitions

9. For the purposes of this Statement of Principles:

"a biomechanical abnormality involving the affected joint" means an abnormality of the forces acting on the affected joint as a result of a muscle, tendon, ligament, or bone, that maintains the normal structural or functional relationship between the articulating surfaces of the affected joint, and that is not functioning correctly, is abnormal or is misaligned. This definition includes biomechanical abnormality as a result of surgery involving the stabilising structures of the affected joint and extra-articular malunion of a fracture of a bone involved in the affected joint;

"a disease process affecting the normal structural or functional relationship between the articulating surfaces of the affected joint" means:

- (a) a degenerative or inflammatory condition of the affected joint, including neuropathic arthropathy, rheumatoid arthritis, osteoarthritis or tuberculosis, which affects the integrity of the affected joint; or
- (b) a neurological, muscular, or vascular condition, including poliomyelitis or scoliosis, which permanently affects those tissues which maintain the integrity of the affected joint;

"a soft tissue structure as specified" means a tendon, ligament or fibrocartilaginous structure that contributes to joint stability in the affected joint;

"death from joint instability" in relation to a person includes death from a terminal event or condition that was contributed to by the person's joint instability;

"ICD-10-AM code" means a number assigned to a particular kind of injury or disease in The International Statistical Classification of Diseases and Related Health Problems, 10th Revision, Australian Modification (ICD-10-AM), Sixth Edition, effective date of 1 July 2008, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 016 6;

"neuropathic arthropathy" means a progressive destructive arthritis associated with loss of pain sensation or proprioception, which can result from various underlying disorders, including tabes dorsalis, syringomyelia, and diabetes mellitus;

"relevant service" means:

- (a) eligible war service (other than operational service) under the VEA; or
- (b) defence service (other than hazardous service) under the VEA; or
- (c) peacetime service under the MRCA;

"terminal event" means the proximate or ultimate cause of death and includes:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

Date of effect

10. This Instrument takes effect from 12 May 2010.

Dated this **twenty-second** day of
April 2010.

The Common Seal of the)
Repatriation Medical Authority)
was affixed to this instrument)
in the presence of:)

KEN DONALD
CHAIRPERSON