



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
HALLUX VALGUS
(Balance of Probabilities)
(No. 99 of 2015)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 21 August 2015

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

A handwritten signature in black ink, appearing to read 'Nicholas Saunders'.

Professor Nicholas Saunders AO
Chairperson

Contents

1	Name	3
2	Commencement	3
3	Authority	3
4	Revocation	3
5	Application.....	3
6	Definitions.....	3
7	Kind of injury, disease or death to which this Statement of Principles relates	3
8	Basis for determining the factors	4
9	Factors that must exist.....	4
10	Relationship to service	5
11	Factors referring to an injury or disease covered by another Statement of Principles.....	5
Schedule 1 - Dictionary		6
1	Definitions.....	6

1 Name

This is the Statement of Principles concerning *hallux valgus (Balance of Probabilities)* (No. 99 of 2015).

2 Commencement

This instrument commences on **21 September 2015**.

3 Authority

This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

4 Revocation

The Statement of Principles concerning hallux valgus No. 92 of 2007 made under subsection 196B(3) of the VEA is revoked.

5 Application

This instrument applies to a claim to which section 120B of the VEA or section 339 of the *Military Rehabilitation and Compensation Act 2004* applies.

6 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

7 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about hallux valgus and death from hallux valgus.

Meaning of hallux valgus

- (2) For the purposes of this Statement of Principles, hallux valgus means a deformity of the foot, where the great toe is deflected laterally towards the other toes, and often causing a bony prominence or bunion to develop over the medial aspect of the metatarsal head and neck.
- (3) While hallux valgus attracts ICD-10-AM code M20.1, in applying this Statement of Principles the meaning of hallux valgus is that given in subsection (2).
- (4) For subsection (3), a reference to an ICD-10-AM code is a reference to the code assigned to a particular kind of injury or disease in *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification* (ICD-10-AM),

Death from hallux valgus

- (5) For the purposes of this Statement of Principles, hallux valgus, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's hallux valgus.

Note: *terminal event* is defined in the Schedule 1 – Dictionary.

8 Basis for determining the factors

On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that hallux valgus and death from hallux valgus can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *relevant service* is defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, hallux valgus or death from hallux valgus is connected with the circumstances of a person's relevant service:

- (1) wearing footwear that causes lateral deviation of the great toe of the affected foot, on more days than not for a period of at least three years before the clinical onset of hallux valgus;
- (2) having an inflammatory, depositional or infective arthrosis of the first metatarsophalangeal joint of the affected foot, before the clinical onset of hallux valgus;
- (3) having amputation of the second toe or the second metatarsal head of the affected foot, before the clinical onset of hallux valgus;

Note: *amputation of the second toe or the second metatarsal head* is defined in the Schedule 1 - Dictionary.

- (4) having a tumour that involves the second metatarsal bone before the clinical onset of hallux valgus;
- (5) having surgery as specified to the affected region within the three years before the clinical onset of hallux valgus;
- (6) having trauma to the affected forefoot within the three years before the clinical onset of hallux valgus;

Note: *trauma to the affected forefoot* is defined in the Schedule 1 - Dictionary.

- (7) wearing footwear that causes lateral deviation of the great toe of the affected foot, on more days than not for a period of at least three years before the clinical worsening of hallux valgus;
- (8) having an inflammatory, depositional or infective arthrosis of the first metatarsophalangeal joint of the affected foot, before the clinical worsening of hallux valgus;
- (9) having amputation of the second toe or the second metatarsal head of the affected foot, before the clinical worsening of hallux valgus;

Note: *amputation of the second toe or the second metatarsal head* is defined in the Schedule 1 - Dictionary.

- (10) having a tumour that involves the second metatarsal bone before the clinical worsening of hallux valgus;
- (11) having surgery as specified to the affected region within the three years before the clinical worsening of hallux valgus;
- (12) having trauma to the affected forefoot within the three years before the clinical worsening of hallux valgus;

Note: *trauma to the affected forefoot* is defined in the Schedule 1 - Dictionary.

- (13) inability to obtain appropriate clinical management for hallux valgus.

10 Relationship to service

- (1) The existence in a person of any factor referred to in section 9 must be related to the relevant service rendered by the person.
- (2) The factors set out in subsections 9(7) to 9(13) apply only to material contribution to, or aggravation of, hallux valgus where the person's hallux valgus was suffered or contracted before or during (but did not arise out of) the person's relevant service.

11 Factors referring to an injury or disease covered by another Statement of Principles

In this Statement of Principles:

- (1) if a factor referred to in section 9 applies in relation to a person; and
- (2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(3) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

amputation of the second toe or the second metatarsal head means loss of one or more of the phalanges of the second digit of the foot or the head of the second metatarsal.

hallux valgus—see subsection 7(2).

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

relevant service means:

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

surgery as specified means surgery resulting in:

- (a) excision of sesamoid bone under the first metatarsal head;
- (b) instability of the first metatarsophalangeal joint;
- (c) lengthening of the first metatarsal in relation to the second metatarsal; or
- (d) shortening of the second metatarsal in relation to the first metatarsal.

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

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

trauma to the affected forefoot means a discrete injury to the affected forefoot that results in:

- (a) disruption of the first metatarsophalangeal joint capsule;
- (b) disruption of the sesamoid complex of the hallux;
- (c) fracture resulting in shortening of the second metatarsal;
- (d) tarso-metatarsal joint complex injury; or
- (e) tear of the medial collateral ligament of the first metatarsophalangeal joint.

VEA means the *Veterans' Entitlements Act 1986*.