

Statement of Principles
concerning

DYSBARIC OSTEONECROSIS

No. 48 of 2006

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 dysbaric osteonecrosis No. 48 of 2006.

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 **dysbaric osteonecrosis and death from dysbaric osteonecrosis**.
(b) For the purposes of this Statement of Principles, "**dysbaric osteonecrosis**" means aseptic necrosis of bone in association with exposure to raised ambient barometric pressure.

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 **dysbaric osteonecrosis and death from dysbaric osteonecrosis** 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, **dysbaric osteonecrosis** or **death from dysbaric osteonecrosis** is connected with the circumstances of a person's relevant service is:
 - (a) experiencing decompression after hyperbaric exposure within the 12 months before the clinical onset of dysbaric osteonecrosis; or
 - (b) experiencing decompression after hyperbaric exposure within the 12 months before the clinical worsening of dysbaric osteonecrosis; or
 - (c) inability to obtain appropriate clinical management for dysbaric osteonecrosis.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(b)** to **6(c)** apply only to material contribution to, or aggravation of, dysbaric osteonecrosis where the person's dysbaric osteonecrosis 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:

“death from dysbaric osteonecrosis” in relation to a person includes death from a terminal event or condition that was contributed to by the person's dysbaric osteonecrosis;

“decompression after hyperbaric exposure” means a reduction in the ambient barometric pressure exerted by the envelope of air or water

surrounding the person after a period of increased pressure, occurring with:

- (a) diving; or
- (b) ascending from a submerged craft or device, or a pressurised tunnel; or
- (c) decompression after being compressed in a hyperbaric chamber;

“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 30 August 2006.

Dated this *seventeenth* day of *August* 2006

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

KEN DONALD
CHAIRPERSON