

Statement of Principles
concerning

HALLUX VALGUS

No. 92 of 2007

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 hallux valgus No. 92 of 2007.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 301 of 1995 concerning congenital hallux valgus and Instrument No. 48 of 1998 concerning acquired hallux valgus; and
 - (b) determines in their place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **hallux valgus** and **death from hallux valgus**.
 - (b) 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, often causing a bony prominence to develop over the medial aspect of the metatarsal head and neck.

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 **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 *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, **hallux valgus** or **death from hallux valgus** is connected with the circumstances of a person's relevant service is:
 - (a) wearing ill-fitting footwear that causes lateral pressure on the great toe of the affected foot, on more days than not for a period of at least 3 years before the clinical onset of hallux valgus; or
 - (b) having an inflammatory, depositional or infective arthrosis of the first metatarsophalangeal joint of the affected foot, before the clinical onset of hallux valgus; or
 - (c) having amputation of the second toe or the second metatarsal head of the affected foot, before the clinical onset hallux valgus; or
 - (d) having surgery to the affected region within the three years before the clinical onset of hallux valgus; or
 - (e) having trauma to the affected forefoot within the three years before the clinical onset of hallux valgus; or
 - (f) wearing ill-fitting footwear that causes lateral pressure on the great toe of the affected foot, on more days than not for a period of at least 3 years before the clinical worsening of hallux valgus; or
 - (g) having an inflammatory, depositional or infective arthrosis of the first metatarsophalangeal joint of the affected foot, before the clinical worsening of hallux valgus; or

- (h) having pes planus of the affected foot before the clinical worsening of hallux valgus; or
- (i) having amputation of the second toe or the second metatarsal head of the affected foot, before the clinical worsening of hallux valgus; or
- (j) having surgery to the affected region within the three years before the clinical worsening of hallux valgus; or
- (k) having trauma to the affected forefoot within the three years before the clinical worsening of hallux valgus; or
- (l) inability to obtain appropriate clinical management for hallux valgus.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(f) to 6(l)** 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 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:

"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;

"death from 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;

"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;

"surgery to the affected region" means surgery resulting in:

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

"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;

"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) tear of the medial collateral ligament of the first metatarsophalangeal joint;
- (c) tarso-metatarsal joint complex injury; or
- (d) fracture resulting in shortening of the second metatarsal.

Application

- 10.** This Instrument applies to all matters to which section 120B of the VEA or section 339 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 19 September 2007.

Dated this *fifth* day of *September* 2007

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

KEN DONALD
CHAIRPERSON