

Statement of Principles
concerning

HORSESHOE KIDNEY

No. 52 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 horseshoe kidney No. 52 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. 18 of 1995 concerning horseshoe kidney; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **horseshoe kidney** and **death from horseshoe kidney**.
 - (b) For the purposes of this Statement of Principles, "**horseshoe kidney**" means a congenital anomaly of the kidneys characterised by two distinct functioning kidneys on opposite sides of the midline, connected by an isthmus of functioning renal parenchyma or fibrous tissue that crosses the midline of the body. Connection is most commonly at the lower poles of the kidneys.
 - (c) Horseshoe kidney attracts ICD-10-AM code Q63.11.

- (d) In the application of this Statement of Principles, the definition of "**horseshoe kidney**" is that given at paragraph 3(b) above.

Basis for determining the factors

4. After examining the available sound medical-scientific evidence the Repatriation Medical Authority is of the view that it is more probable than not on the sound medical-scientific evidence available, that the only factor that can be related to the cause of or material contribution to or aggravation of **horseshoe kidney** or **death from horseshoe kidney** and which 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) is that set out in clause 5.

Factors that must be related to service

5. The factor that must exist before it can be said that, on the balance of probabilities, in relation to the circumstances of a person's relevant service causing or materially contributing to or aggravating **horseshoe kidney** or **death from horseshoe kidney** is inability to obtain appropriate clinical management for horseshoe kidney.

Other definitions

6. For the purposes of this Statement of Principles:

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

"**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), Fifth Edition, effective date of 1 July 2006, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 772 3;

"**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.

Application

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

Date of effect

8. This Instrument takes effect from 9 May 2007.

Dated this **twenty-fourth** day of
April 2007

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

KEN DONALD
CHAIRPERSON