



SUMMARY OF CHANGES:

INSTRUMENT NOS. 39 to 46 of 2021

Statements of Principles Nos. 39 to 46 of 2021 were signed by the Chairperson of the Repatriation Medical Authority (the Authority) on 26 March 2021. The day of commencement as specified in each of these Instruments is 27 April 2021.

These Instruments have been lodged and registered with the Federal Register of Legislation, pursuant to section 15G of the *Legislation Act 2003* (Legislation Act). In accordance with the Legislation Act, the Office of Parliamentary Counsel must generally deliver a legislative instrument for laying before each House of the Parliament within six sitting days of that House after the instrument is registered with the instrument's registered explanatory statement. The Instruments and the associated Explanatory Statements registered with the Federal Register of Legislation are available from <http://www.legislation.gov.au>.

Copies of each Instrument, the associated Explanatory Statement and a list of references relating to each Statement of Principles, are available in accordance with the *Veterans' Entitlements Act 1986* (the VEA), on written request from the RMA Secretariat.

The 'User Guide to the RMA Statements of Principles' explains the meaning and purpose of each section of the Statement of Principles template which commenced in 2015. This document is available on the Authority's website at <http://www.rma.gov.au>.

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7 April 2021

SUMMARY OF CHANGES

Instr. No.	Title	Date of Commencement	ICD-10-AM Code
REPEALS			
39 & 40/2021	ankylosing spondylitis	27/04/2021	M45
41 & 42/2021	malignant neoplasm of the kidney	27/04/2021	C64
43 & 44/2021	seborrhoeic dermatitis	27/04/2021	L21.0, L21.8 or L21.9
DETERMINATIONS			
45 & 46/2021	posterior tibialis tendinopathy	27/04/2021	Nil

Note:

- The investigation concerning 'adenocarcinoma of the kidney' has resulted in the determination of Statements of Principles concerning **malignant neoplasm of the kidney**.

SUMMARY OF CHANGES		
39 & 40/2021	ankylosing spondylitis	<p>These Instruments result from an investigation notified by the Authority in the Government Notices Gazette of 23 April 2020 concerning ankylosing spondylitis in accordance with section 196G of the VEA. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority, including the sound medical-scientific evidence it has previously considered.</p> <p>The contents of these Instruments are in similar terms as the repealed Instruments. Comparing these Instruments and the repealed Instruments, the differences include:</p> <p><i>For RH SoP (Instrument No. 39/2021)</i></p> <ul style="list-style-type: none"> • adopting the latest revised Instrument format, which commenced in 2015; • specifying a day of commencement for the Instrument in section 2; • revising the definition of 'ankylosing spondylitis' in subsection 7(2); • revising the reference to 'ICD-10-AM code' in subsection 7(4); • new factors in subsections 9(1) and 9(2) concerning having periodontitis; • revising the factor in subsection 9(3) concerning having smoked tobacco products, for current smokers only and for clinical worsening only; • new factor in subsection 9(4) concerning being obese, for clinical worsening only; • revising the factor in subsection 9(5) concerning inability to obtain appropriate clinical management for ankylosing spondylitis, for clinical worsening only, by the inclusion of notes; • new definitions of 'ankylosing spondylitis exercises', 'being obese', 'BMI', 'MRCA', 'pack-year' and 'VEA' in Schedule 1 - Dictionary; • revising the definition of 'relevant service' in Schedule 1 - Dictionary; and • deleting the definition of 'pack-years of cigarettes, or the equivalent thereof in other tobacco products'. <p><i>For BoP SoP (Instrument No. 40/2021)</i></p> <ul style="list-style-type: none"> • adopting the latest revised Instrument format, which commenced in 2015; • specifying a day of commencement for the Instrument in section 2; • revising the definition of 'ankylosing spondylitis' in subsection 7(2); • revising the reference to 'ICD-10-AM code' in subsection 7(4); • revising the factor in subsection 9(1) concerning having smoked tobacco products, for current smokers only and for clinical worsening only; • revising the factor in subsection 9(2) concerning inability to obtain appropriate clinical management for ankylosing spondylitis, for clinical worsening only, by the inclusion of notes; • new definitions of 'ankylosing spondylitis exercises', 'MRCA', 'pack-year' and 'VEA' in Schedule 1 - Dictionary; • revising the definition of 'relevant service' in Schedule 1 - Dictionary; and • deleting the definition of 'pack-years of cigarettes, or the equivalent thereof in other tobacco products'. <p>The determining of these Instruments finalises the investigation in relation to <i>ankylosing spondylitis</i> as advertised in the Government Notices Gazette of 23 April 2020.</p>
41 & 42/2021	malignant neoplasm of the kidney	<p>These Instruments result from an investigation notified by the Authority in the Government Notices Gazette of 23 April 2020 concerning <i>adenocarcinoma of the kidney</i> in accordance with section 196G of the VEA. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority, including the sound medical-scientific evidence it has previously considered</p> <p>The contents of these Instruments are in similar terms as the repealed Instruments. Comparing these Instruments and the repealed Instruments, the differences include:</p> <p><i>For RH SoP (Instrument No. 41/2021)</i></p> <ul style="list-style-type: none"> • adopting the latest revised Instrument format, which commenced in 2015; • specifying a day of commencement for the Instrument in section 2; • revising the name of the condition from 'adenocarcinoma of the kidney' to 'malignant neoplasm of the kidney'; • new definition of 'malignant neoplasm of the kidney' in subsection 7(2); • revising the reference to 'ICD-10-AM code' in subsection 7(4); • revising the factor in subsection 9(2) concerning being overweight or obese, for clinical onset only; • revising the factor in subsection 9(3) concerning having smoked tobacco products, for clinical onset only;

SUMMARY OF CHANGES

- new factor in subsection 9(4) concerning having been exposed to second-hand smoke, for clinical onset only;
- revising the factor in subsection 9(5) concerning inhaling respirable asbestos fibres in an enclosed space, for clinical onset only;
- revising the factor in subsection 9(6) concerning inhaling respirable asbestos fibres in an open environment, for clinical onset only;
- revising the factor in subsection 9(7) concerning inhaling cadmium fumes, for clinical onset only;
- revising the factor in subsection 9(8) concerning inhaling, ingesting or having cutaneous contact with trichloroethylene, for clinical onset only;
- revising the factor in subsection 9(9) concerning being exposed to arsenic as specified, for clinical onset only, by the inclusion of a note;
- revising the factor in subsection 9(10) concerning having received ionising radiation, for clinical onset only, by the inclusion of a note;
- new factor in subsection 9(11) concerning having chronic kidney disease, for clinical onset only;
- new factor in subsection 9(12) concerning having renal stone disease involving the affected kidney, for clinical onset only;
- new factor in subsection 9(13) concerning having diabetes mellitus, for clinical onset only;
- revising the factor in subsection 9(15) concerning an inability to consume fruits and vegetables, for clinical onset only;
- new factor in subsection 9(16) concerning an inability to undertake physical activity, for clinical onset only;
- new factor in subsection 9(17) concerning undergoing organ or tissue transplantation, excluding corneal transplant, for clinical onset only;
- revising the factor in subsection 9(18) concerning taking a non-topical non-steroidal anti-inflammatory drug, excluding aspirin, for clinical onset only;
- new factor in subsection 9(19) concerning using manual welding equipment for welding metal, for clinical onset only;
- deleting the factor concerning being in an atmosphere with a visible tobacco smoke haze in an enclosed space, for clinical onset only, as this is now covered by the factor in subsection 9(4) concerning having been exposed to second-hand smoke, for clinical onset only;
- deleting the factor concerning having end stage renal disease, for clinical onset only, as this is now covered by the factor in subsection 9(11) concerning having chronic kidney disease, for clinical onset only;
- new definitions of 'abnormality of kidney structure or function', 'being overweight or obese', 'chronic kidney disease', 'having been exposed to second-hand smoke', 'MET', 'MRCA', 'organ or tissue transplantation', 'pack-year' and 'VEA' in Schedule 1 - Dictionary;
- revising the definitions of 'BMI' and 'relevant service' in Schedule 1 - Dictionary; and
- deleting the definitions of 'being obese', 'end stage renal disease', 'pack-years of cigarettes, or the equivalent thereof in other tobacco products' and 'respirable asbestos fibres'.

For BoP SoP (Instrument No. 42/2021)

- adopting the latest revised Instrument format, which commenced in 2015;
- specifying a day of commencement for the Instrument in section 2;
- revising the name of the condition from 'adenocarcinoma of the kidney' to 'malignant neoplasm of the kidney';
- new definition of 'malignant neoplasm of the kidney' in subsection 7(2);
- revising the reference to 'ICD-10-AM code' in subsection 7(4);
- revising the factor in subsection 9(2) concerning being overweight or obese, for clinical onset only;
- revising the factor in subsection 9(3) concerning having smoked tobacco products, for clinical onset only;
- new factor in subsection 9(4) concerning inhaling, ingesting or having cutaneous contact with trichloroethylene, for clinical onset only;
- revising the factor in subsection 9(5) concerning having received ionising radiation, for clinical onset only, by the inclusion of a note;
- new factor in subsection 9(6) concerning having chronic kidney disease, for clinical onset only;
- revising the factor in subsection 9(8) concerning an inability to consume fruits and vegetables, for clinical onset only;
- new factor in subsection 9(9) concerning an inability to undertake physical activity, for clinical onset only;

SUMMARY OF CHANGES		
		<ul style="list-style-type: none"> • new factor in subsection 9(10) concerning undergoing organ or tissue transplantation, excluding corneal transplant, for clinical onset only; • deleting the factor concerning having end stage renal disease, for clinical onset only, as this is now covered by the factor in subsection 9(6) concerning having chronic kidney disease, for clinical onset only; • new definitions of 'abnormality of kidney structure or function', 'being overweight or obese', 'chronic kidney disease', 'MET', 'MRCA', 'organ or tissue transplantation', 'pack-year' and 'VEA' in Schedule 1 - Dictionary; • revising the definitions of 'BMI' and 'relevant service' in Schedule 1 -Dictionary; and • deleting the definitions of 'being obese', 'end stage renal disease' and 'pack-years of cigarettes, or the equivalent thereof in other tobacco products'. <p>The determining of these Instruments finalises the investigation in relation to adenocarcinoma of the kidney as advertised in the Government Notices Gazette of 23 April 2020.</p>
43 & 44/2021	seborrhoeic dermatitis	<p>These Instruments result from an investigation notified by the Authority in the Government Notices Gazette of 23 April 2020 concerning <i>seborrhoeic dermatitis</i> in accordance with section 196G of the VEA. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority, including the sound medical-scientific evidence it has previously considered.</p> <p>The contents of these Instruments are in similar terms as the repealed Instruments. Comparing these Instruments and the repealed Instruments, the differences include:</p> <p><i>For RH SoP (Instrument No. 43/2021)</i></p> <ul style="list-style-type: none"> • adopting the latest revised Instrument format, which commenced in 2015; • specifying a day of commencement for the Instrument in section 2; • revising the definition of 'seborrhoeic dermatitis' in subsection 7(2); • revising the reference to 'ICD-10-AM code' in subsection 7(4); • revising the factors in subsections 9(1) and 9(9) concerning having infection with human immunodeficiency virus; • new factors in subsections 9(2) and 9(10) concerning having infection with human T-cell lymphotropic virus type-1; • revising the factors in subsections 9(3) and 9(11) concerning having Parkinson's disease or secondary parkinsonism; • revising the factors in subsections 9(4) and 9(12) concerning having a physical disability or psychiatric disease which significantly limits the person's ability to maintain personal hygiene of the affected area; • new factors in subsections 9(5) and 9(13) concerning being immobile; • revising the factors in subsections 9(6) and 9(14) concerning having received a solid organ transplant; • new factors in subsections 9(7) and 9(15) concerning taking a drug from the specified list of drugs for the treatment of cancer or autoimmune disease; • new factors in subsections 9(8) and 9(16) concerning taking a drug; • new factor in subsection 9(17) concerning wearing a surgical mask or face covering intended to provide protection from human-to-human respiratory virus transmission, for clinical worsening only; • deleting the factors concerning being treated with erlotinib or interferon alpha, as these are now covered by the factors in subsections 9(7) and 9(15) concerning taking a drug from the specified list of drugs for the treatment of cancer or autoimmune disease; • new definitions of 'biologic agent', 'MRCA', 'specified list of drugs' and 'VEA' in Schedule 1 - Dictionary; • revising the definition of 'relevant service' in Schedule 1 - Dictionary; and • deleting the definition of 'a psychiatric disease from the specified list'. <p><i>For BoP SoP (Instrument No. 44/2021)</i></p> <ul style="list-style-type: none"> • adopting the latest revised Instrument format, which commenced in 2015; • specifying a day of commencement for the Instrument in section 2; • revising the definition of 'seborrhoeic dermatitis' in subsection 7(2); • revising the reference to 'ICD-10-AM code' in subsection 7(4); • revising the factors in subsections 9(1) and 9(7) concerning having infection with human immunodeficiency virus; • revising the factors in subsections 9(2) and 9(8) concerning having Parkinson's disease or secondary parkinsonism;

SUMMARY OF CHANGES		
		<ul style="list-style-type: none"> revising the factors in subsections 9(3) and 9(9) concerning having a physical disability or psychiatric disease which significantly limits the person's ability to maintain personal hygiene; new factors in subsections 9(4) and 9(10) concerning being immobile; new factors in subsections 9(5) and 9(11) concerning taking a drug from the specified list of drugs for the treatment of cancer or autoimmune disease; new factors in subsections 9(6) and 9(12) concerning taking a drug; new factor in subsection 9(13) concerning wearing a surgical mask or face covering intended to provide protection from human-to-human respiratory virus transmission, for clinical worsening only; new definitions of 'biologic agent', 'MRCA', 'specified list of drugs' and 'VEA' in Schedule 1 - Dictionary; revising the definition of 'relevant service' in Schedule 1 - Dictionary; and deleting the definition of 'a psychiatric disease from the specified list'. <p>The determining of these Instruments finalises the investigation in relation to <i>seborrhoeic dermatitis</i> as advertised in the Government Notices Gazette of 23 April 2020.</p>
45 & 46/2021	posterior tibialis tendinopathy	<p>New Condition</p> <p>These Instruments result from an investigation notified by the Authority in the Government Notices Gazette of 5 January 2021 concerning <i>posterior tibialis tendinopathy</i> in accordance with section 196G of the VEA. The investigation involved an examination of the sound medical-scientific evidence available to the Authority.</p> <p>The determining of these new Instruments finalises the investigation in relation to <i>posterior tibialis tendinopathy</i> as advertised in the Government Notices Gazette of 5 January 2021.</p>