

Statement of Principles
concerning

LABRAL TEAR

No. 95 of 2010

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 labral tear No. 95 of 2010.

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 **labral tear** and **death from labral tear**.
(b) For the purposes of this Statement of Principles, "**labral tear**" means an injury involving tearing of the fibrocartilaginous rim of the hip or shoulder joint resulting in local pain and tenderness, with or without accompanying symptoms and signs of popping, clicking, catching, instability or reduced range of motion. This definition excludes degenerative tears of the labrum.

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 **labral tear** and **death from labral tear** 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, **labral tear** or **death from labral tear** is connected with the circumstances of a person's relevant service is:
 - (a) having a significant physical force applied to or through the affected shoulder joint or the affected hip joint at the time of the clinical onset of labral tear; or
 - (b) for labral tear of the shoulder joint only, performing forceful and repetitive throwing motions or forceful and repetitive overhead motions of the arm of the affected side for at least eight hours per week for the one month before the clinical onset of labral tear; or
 - (c) inability to obtain appropriate clinical management for labral tear.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(c) applies only to material contribution to, or aggravation of, labral tear where the person's labral tear 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 labral tear" in relation to a person includes death from a terminal event or condition that was contributed to by the person's labral tear;

"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 10 November 2010.

Dated this *twenty-seventh* day of *October* 2010

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

KEN DONALD
CHAIRPERSON