

Statement of Principles
concerning

INTERNAL DERANGEMENT OF THE KNEE

No. 51 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 internal derangement of the knee No. 51 of 2010.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 59 of 1997, as amended by Instrument No. 96 of 1997, concerning internal derangement of the knee; and
 - (b) determines in their place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **internal derangement of the knee** and **death from internal derangement of the knee**.
 - (b) For the purposes of this Statement of Principles, "**internal derangement of the knee**" means a chronic disorder of the knee due to a torn meniscus of the knee, or a torn or stretched collateral, cruciate or capsular ligament of the knee, resulting in ongoing or intermittent signs and symptoms which include pain, swelling, instability, locking or altered mobility of that knee. This definition excludes chondromalacia patella and other disorders of the patella, congenital discoid meniscus, osteochondritis dissecans, cysts of the menisci, degenerative tears of the menisci

and other degenerative processes such as osteoarthritis and loose bodies in the knee joint.

- (c) Internal derangement of the knee attracts ICD-10-AM code M23.2, M23.5, M23.8 or M23.9.
- (d) In the application of this Statement of Principles, the definition of "**internal derangement of the knee**" is that given at paragraph 3(b) above.

Basis for determining the factors

- 4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **internal derangement of the knee** and **death from internal derangement of the knee** can be related to relevant service rendered by veterans, members of Peacekeeping Forces, 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 as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting **internal derangement of the knee** or **death from internal derangement of the knee** with the circumstances of a person's relevant service is:
 - (a) having an acute sprain of the affected knee within the six months before the clinical onset of internal derangement of the knee; or
 - (b) having an acute meniscal tear of the affected knee within the six months before the clinical onset of internal derangement of the knee; or
 - (c) having an acute sprain of the affected knee within the six months before the clinical worsening of internal derangement of the knee; or
 - (d) having an acute meniscal tear of the affected knee within the six months before the clinical worsening of internal derangement of the knee; or

- (e) inability to obtain appropriate clinical management for internal derangement of the knee.

Factors that apply only to material contribution or aggravation

- 7. Paragraphs 6(c) to 6(e) apply only to material contribution to, or aggravation of, internal derangement of the knee where the person's internal derangement of the knee 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 internal derangement of the knee" in relation to a person includes death from a terminal event or condition that was contributed to by the person's internal derangement of the knee;

"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), Sixth Edition, effective date of 1 July 2008, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 016 6;

"relevant service" means:

- (a) operational service under the VEA;
- (b) peacekeeping service under the VEA;
- (c) hazardous service under the VEA;
- (d) warlike service under the MRCA; or
- (e) non-warlike 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

10. This Instrument applies to all matters to which section 120A of the VEA or section 338 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 30 June 2010.

Dated this *eighteenth* day of *June* 2010

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

KEN DONALD
CHAIRPERSON