

Statement of Principles
concerning

HEEL BURSTITIS

No. 78 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 heel bursitis No. 78 of 2010.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 56 of 1996 concerning posterior adventitial heel bursitis; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **heel bursitis** and **death from heel bursitis**.
 - (b) For the purposes of this Statement of Principles, "**heel bursitis**" means inflammation of the superficial tendo-Achilles bursa (an adventitious structure posterior to the Achilles tendon insertion point), and is characterised by a painful and tender swelling of the heel. This condition is also known as posterior adventitial heel bursitis or Haglund's disease.

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 **heel bursitis** and **death from heel bursitis** 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, **heel bursitis** or **death from heel bursitis** is connected with the circumstances of a person's relevant service is:
 - (a) wearing ill-fitting footwear that causes painful pressure on the posterior aspect of the heel of the affected foot, at the time of the clinical onset of heel bursitis; or
 - (b) wearing ill-fitting footwear that causes painful pressure on the posterior aspect of the heel of the affected foot, at the time of the clinical worsening of heel bursitis; or
 - (c) inability to obtain appropriate clinical management for heel bursitis.

Factors that apply only to material contribution or aggravation

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

"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

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 1 September 2010.

Dated this *eighteenth* day of *August* 2010

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

KEN DONALD
CHAIRPERSON