



**Australian Government**  
**Repatriation Medical Authority**

**Statement of Principles**  
**concerning**  
**OSTEOGENESIS IMPERFECTA**  
**(Balance of Probabilities)**  
**(No. 54 of 2023)**

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The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 24 April 2023.

The Common Seal of the  
Repatriation Medical Authority  
was affixed to this instrument  
at the direction of:

Professor Terence Campbell AM  
Chairperson

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## **1 Name**

This is the Statement of Principles concerning *osteogenesis imperfecta (Balance of Probabilities)* (No. 54 of 2023).

## **2 Commencement**

This instrument commences on 23 May 2023.

## **3 Authority**

This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

## **4 Repeal**

The Statement of Principles concerning osteogenesis imperfecta No. 36 of 2015 (Federal Register of Legislation No. F2014L01850) made under subsection 196B(3) of the VEA is repealed.

## **5 Application**

This instrument applies to a claim to which section 120B of the VEA or section 339 of the *Military Rehabilitation and Compensation Act 2004* applies.

## **6 Definitions**

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

## **7 Kind of injury, disease or death to which this Statement of Principles relates**

- (1) This Statement of Principles is about osteogenesis imperfecta and death from osteogenesis imperfecta.

### *Meaning of osteogenesis imperfecta*

- (2) For the purposes of this Statement of Principles, osteogenesis imperfecta means a group of genetic disorders of bone formation that typically involve low bone mass, bone fragility and an increased propensity to fracture.
- (3) While osteogenesis imperfecta attracts ICD-10-AM code Q78.0, in applying this Statement of Principles the meaning of osteogenesis imperfecta is that given in subsection (2).
- (4) For subsection (3), a reference to an ICD-10-AM code is a reference to the code assigned to a particular kind of injury or disease in *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification* (ICD-10-AM),

Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

### *Death from osteogenesis imperfecta*

- (5) For the purposes of this Statement of Principles, osteogenesis imperfecta, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's osteogenesis imperfecta.

Note: *terminal event* is defined in the Schedule 1 – Dictionary.

## **8 Basis for determining the factors**

On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that osteogenesis imperfecta and death from osteogenesis imperfecta can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *MRCA*, *relevant service* and *VEA* are defined in the Schedule 1 – Dictionary.

## **9 Factors that must exist**

At least one of the following factors must exist before it can be said that, on the balance of probabilities, osteogenesis imperfecta or death from osteogenesis imperfecta is connected with the circumstances of a person's relevant service:

- (1) inability to obtain appropriate clinical management for osteogenesis imperfecta.

## **10 Relationship to service**

- (1) The existence in a person of any factor referred to in section 9, must be related to the relevant service rendered by the person.
- (2) The factor set out in subsection 9(1) applies only to material contribution to, or aggravation of, osteogenesis imperfecta where the person's osteogenesis imperfecta was suffered or contracted before or during (but did not arise out of) the person's relevant service.

## **11 Factors referring to an injury or disease covered by another Statement of Principles**

In this Statement of Principles:

- (1) if a factor referred to in section 9 applies in relation to a person; and
- (2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(3) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

# Schedule 1 - Dictionary

Note: See Section 6

## 1 Definitions

In this instrument:

**MRCA** means the *Military Rehabilitation and Compensation Act 2004*.

**osteogenesis imperfecta**—see subsection 7(2).

**relevant service** means:

- (a) eligible war service (other than operational service) under the VEA;
- (b) defence service (other than hazardous service and British nuclear test defence service) under the VEA; or
- (c) peacetime service under the MRCA.

Note: **MRCA** and **VEA** are defined in the Schedule 1 - Dictionary.

**terminal event** means the proximate or ultimate cause of death and includes the following:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

**VEA** means the *Veterans' Entitlements Act 1986*.