

Statement of Principles
concerning

MENIERE'S DISEASE

No. 59 of 2006

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 Meniere's disease No. 59 of 2006.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 77 of 2001 concerning Meniere's disease; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **Meniere's disease** and **death from Meniere's disease**.
 - (b) For the purposes of this Statement of Principles, "**Meniere's disease**" means a clinical condition characterised by recurrent attacks of episodic vertigo often associated with:
 - (i) nausea and vomiting;
 - (ii) fluctuating sensorineural hearing loss;
 - (iii) tinnitus; and
 - (iv) a sense of fullness of the involved ear.

This definition excludes labyrinthitis, vertigo of central origin and other unspecified vertiginous syndromes.

- (c) Meniere's disease attracts ICD-10-AM code H81.0.
- (d) In the application of this Statement of Principles, the definition of "**Meniere's disease**" 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 **Meniere's disease** and **death from Meniere's disease** 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 **Meniere's disease** or **death from Meniere's disease** with the circumstances of a person's relevant service is:
 - (a) having a head injury before the clinical onset of Meniere's disease or;
 - (b) having otitis media of the affected ear before the clinical onset of Meniere's disease; or
 - (c) having otosyphilis of the affected ear before the clinical onset of Meniere's disease; or
 - (d) inability to obtain appropriate clinical management for Meniere's disease.

Factors that apply only to material contribution or aggravation

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

"head injury" means a blunt or penetrating wound of the head which results directly from the impact of a blow to the head, or indirectly from acceleration or deceleration forces applied to the head, and which causes:

- (a) closed or open fracture of the skull; or
- (b) loss of consciousness lasting for at least 30 minutes, or post-traumatic amnesia lasting for at least 30 minutes;

"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), Fifth Edition, effective date of 1 July 2006, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 772 3;

"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 8 November 2006.

Dated this *thirtieth* day of *October* 2006

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

KEN DONALD
CHAIRPERSON