

Statement of Principles
concerning

OTOSCLEROSIS

No. 119 of 2007

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 otosclerosis No. 119 of 2007.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 13 of 1996 concerning otosclerosis; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **otosclerosis** and **death from otosclerosis**.
 - (b) For the purposes of this Statement of Principles, "**otosclerosis**" means a disorder of the bone of the labyrinthine capsule, characterised by new bone formation commonly involving the footplate of the stapes.
 - (c) Otosclerosis attracts ICD-10-AM code H80.
 - (d) In the application of this Statement of Principles, the definition of "**otosclerosis**" 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 **otosclerosis** and **death from otosclerosis** 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 **otosclerosis** or **death from otosclerosis** with the circumstances of a person's relevant service is:
 - (a) being infected with measles virus before the clinical onset of otosclerosis; or
 - (b) inability to obtain appropriate clinical management for otosclerosis.

Factors that apply only to material contribution or aggravation

7. Paragraph **6(b)** applies only to material contribution to, or aggravation of, otosclerosis where the person's otosclerosis 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:

"being infected with measles virus" means having evidence of a clinical infection with measles virus, excluding measles vaccination;

"death from otosclerosis" in relation to a person includes death from a terminal event or condition that was contributed to by the person's otosclerosis;

"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 14 November 2007.

Dated this *first* day of *November* 2007

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

KEN DONALD
CHAIRPERSON