

Statement of Principles  
concerning

**OTOSCLEROSIS**

**No. 120 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. 120 of 2007.

**Determination**

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
  - (a) revokes Instrument No. 14 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. After examining the available sound medical-scientific evidence the Repatriation Medical Authority is of the view that it is more probable than not on the sound medical-scientific evidence available, that the only factor that can be related to the cause of or material contribution to or aggravation of **otosclerosis** or **death from otosclerosis** and which 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) is that set out in clause 5.

## **Factors that must be related to service**

5. The factor that must exist before it can be said that, on the balance of probabilities, in relation to the circumstances of a person's relevant service causing or materially contributing to or aggravating **otosclerosis** or **death from otosclerosis** is inability to obtain appropriate clinical management for otosclerosis.

## **Other definitions**

6. For the purposes of this Statement of Principles:

**"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) 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**

- 7. This Instrument applies to all matters to which section 120B of the VEA or section 339 of the MRCA applies.

**Date of effect**

- 8. 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