

Statement of Principles
concerning

ACUTE MENISCAL TEAR OF THE KNEE

No. 55 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 acute meniscal tear of the knee No. 55 of 2010.

Determination

2. This Statement of Principles is determined by the Repatriation Medical Authority under subsection **196B(2)** of the *Veterans' Entitlements Act 1986* (the VEA).

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **acute meniscal tear of the knee** and **death from acute meniscal tear of the knee**.
 - (b) For the purposes of this Statement of Principles, "**acute meniscal tear of the knee**" means an injury causing tearing of a meniscus of the knee joint resulting in a sudden onset of pain and tenderness, with or without accompanying symptoms and signs of swelling, locking, or loss of functional ability occurring within the 24 hours following the injury. This definition excludes chronic tear and degenerative disease of the meniscus.
 - (c) Acute meniscal tear of the knee attracts ICD-10-AM code S83.2.
 - (d) In the application of this Statement of Principles, the definition of "**acute meniscal tear of the knee**" 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 **acute meniscal tear of the knee** and **death from acute meniscal tear of the knee** 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 **acute meniscal tear of the knee** or **death from acute meniscal tear of the knee** with the circumstances of a person's relevant service is:
 - (a) having a significant physical force applied to or through the affected knee joint at the time of the clinical onset of acute meniscal tear of the knee; or
 - (b) inability to obtain appropriate clinical management for acute meniscal tear of the knee.

Factors that apply only to material contribution or aggravation

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

"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), Sixth Edition, effective date of 1 July 2008, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 016 6;

"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.

Date of effect

10. This Instrument takes effect from 30 June 2010.

Dated this *eighteenth* day of *June* 2010

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

KEN DONALD
CHAIRPERSON