

Statement of Principles
concerning

CONDUCTIVE HEARING LOSS

No. 8 of 2011

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 conductive hearing loss No. 8 of 2011.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 20 of 1996 concerning conductive hearing loss; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **conductive hearing loss** and **death from conductive hearing loss**.
 - (b) For the purposes of this Statement of Principles, "**conductive hearing loss**" means a permanent hearing threshold shift to at least 25 decibels (dB) hearing level threshold in the frequency of 500, 1000, 2000, 3000, 4000 or 6000 hertz (Hz) due to defective sound conduction of the external auditory canal, the tympanic membrane or the middle ear, and with an air-bone gap in the affected ear of at least 10 dB at three or more of these frequencies, or of at least 15 dB at any one of these frequencies. The hearing loss may be in one ear (monaural) or both ears (binaural).

Basis for determining the factors

4. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **conductive hearing loss** and **death from conductive hearing loss** 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).

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 exist before it can be said that, on the balance of probabilities, **conductive hearing loss** or **death from conductive hearing loss** is connected with the circumstances of a person's relevant service is:
 - (a) having otosclerosis on the affected side at the time of the clinical onset of conductive hearing loss; or
 - (b) having Paget's disease of bone, affecting the petrous temporal bone or middle ear ossicles, at the time of the clinical onset of conductive hearing loss; or
 - (c) experiencing otitic barotrauma or acoustic trauma within the seven days before the clinical onset of conductive hearing loss; or
 - (d) having structural injury or physiological disruption to the conductive hearing apparatus or surrounding bone, as a result of blunt trauma, penetrating trauma or surgery, within the 30 days before the clinical onset of conductive hearing loss; or
 - (e) having permanent obstruction of the external auditory canal on the affected side at the time of the clinical onset of conductive hearing loss; or
 - (f) having chronic otitis media on the affected side at the time of the clinical onset of conductive hearing loss; or
 - (g) having rheumatoid arthritis at the time of the clinical onset of conductive hearing loss; or
 - (h) undergoing a course of therapeutic radiation to the head or neck region within the 30 days before the clinical onset of conductive hearing loss; or

- (i) having otosclerosis on the affected side at the time of the clinical worsening of conductive hearing loss; or
- (j) having Paget's disease of bone, affecting the petrous temporal bone or middle ear ossicles, at the time of the clinical worsening of conductive hearing loss; or
- (k) experiencing otitic barotrauma or acoustic trauma within the seven days before the clinical worsening of conductive hearing loss; or
- (l) having structural injury or physiological disruption to the conductive hearing apparatus or surrounding bone, as a result of blunt trauma, penetrating trauma or surgery, within the 30 days before the clinical worsening of conductive hearing loss; or
- (m) having permanent obstruction of the external auditory canal on the affected side at the time of the clinical worsening of conductive hearing loss; or
- (n) having chronic otitis media on the affected side at the time of the clinical worsening of conductive hearing loss; or
- (o) having rheumatoid arthritis at the time of the clinical worsening of conductive hearing loss; or
- (p) undergoing a course of therapeutic radiation to the head or neck region within the 30 days before the clinical worsening of conductive hearing loss; or
- (q) inability to obtain appropriate clinical management for conductive hearing loss.

Factors that apply only to material contribution or aggravation

- 7. Paragraphs **6(i) to 6(q)** apply only to material contribution to, or aggravation of, conductive hearing loss where the person's conductive hearing loss 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:

"a course of therapeutic radiation" means one or more fractions (treatment portions) of ionising radiation administered with the aim of achieving palliation or cure with gamma rays, x-rays, alpha particles or beta particles;

"air-bone gap" means a difference between the air conduction and bone conduction thresholds, as measured by pure-tone audiometry;

"acoustic trauma" means a condition of sudden aural damage resulting from short term intense exposure or a single exposure to loud noise such as that made at close quarters by:

- (a) artillery fire;
- (b) exploding grenades, mines or bombs;
- (c) fireworks;
- (d) gunfire; or
- (e) small arms fire;

"chronic otitis externa" means inflammation of the external auditory canal, involving fibrosis and irreversible narrowing of the external auditory canal;

"chronic otitis media" means an inflammatory process within the middle ear associated with irreversible tissue pathology;

"conductive hearing apparatus" means the external auditory canal or middle ear, including the tympanic membrane (ear drum) and ossicles;

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

"exostosis" means a benign bony growth in the outer ear;

"granuloma" means a specific form of chronic inflammation involving mononuclear inflammatory cells and their derivatives, including foreign body, tuberculous and sarcoid granulomata;

"obstruction of the external auditory canal" means blockage of at least 90% of the external auditory canal, for example, by a primary or secondary neoplasm, granuloma, exostosis or chronic otitis externa;

"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

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

Date of effect

11. This Instrument takes effect from 5 January 2011.

Dated this *fourteenth* day of *December* 2010

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

KEN DONALD
CHAIRPERSON