



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
OTOSCLEROSIS
(Balance of Probabilities)
(No. 62 of 2016)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 24 June 2016

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

A handwritten signature in black ink, appearing to read 'N. Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *otosclerosis (Balance of Probabilities)* (No. 62 of 2016).

2 Commencement

This instrument commences on 25 July 2016.

3 Authority

This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

4 Revocation

The Statement of Principles concerning otosclerosis No. 120 of 2007 made under subsection 196B(3) of the VEA is revoked.

5 Application

This instrument applies to a claim to which section 120B of the VEA or section 339 of the *Military Rehabilitation and Compensation Act 2004* applies.

6 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

7 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about otosclerosis and death from otosclerosis.

Meaning of otosclerosis

- (2) 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.
- (3) While otosclerosis attracts ICD-10-AM code H80, in applying this Statement of Principles the meaning of otosclerosis is that given in subsection (2).
- (4) For subsection (3), a reference to an ICD-10-AM code is a reference to the code assigned to a particular kind of injury or disease in *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification (ICD-10-AM)*, Ninth Edition, effective date of 1 July 2015, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-020-5.

Death from otosclerosis

- (5) For the purposes of this Statement of Principles, otosclerosis, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's otosclerosis.

Note: *terminal event* is defined in the Schedule 1 – Dictionary.

8 Basis for determining the factors

On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that otosclerosis and death from otosclerosis can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *relevant service* is defined in the Schedule 1 – Dictionary.

9 Factor that must exist

The factor that must exist before it can be said that, on the balance of probabilities, otosclerosis or death from otosclerosis is connected with the circumstances of a person's relevant service is inability to obtain appropriate clinical management for otosclerosis.

10 Relationship to service

The existence in a person of the factor referred to in section 9, applies only to material contribution to, or aggravation of, otosclerosis where the person's otosclerosis was suffered or contracted before or during (but did not arise out of) the person's relevant service.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

otosclerosis—see subsection 7(2).

relevant service means:

- (a) eligible war service (other than operational service) under the VEA;
- (b) defence service (other than hazardous service and British nuclear test defence service) under the VEA; or
- (c) peacetime service under the MRCA.

Note: **MRCA** and **VEA** are also defined in the Schedule 1 - Dictionary.

terminal event means the proximate or ultimate cause of death and includes the following:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

VEA means the *Veterans' Entitlements Act 1986*.