



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
ACUTE MENISCAL TEAR OF THE KNEE
(Balance of Probabilities)
(No. 26 of 2019)

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

Dated 1 March 2019

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 *acute meniscal tear of the knee (Balance of Probabilities)* (No. 26 of 2019).

2 Commencement

This instrument commences on 25 March 2019.

3 Authority

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

4 Repeal

The Statement of Principles concerning acute meniscal tear of the knee No. 56 of 2010 (Federal Register of Legislation No. F2010L01669) made under subsection 196B(3) of the VEA is repealed.

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 acute meniscal tear of the knee and death from acute meniscal tear of the knee.

Meaning of acute meniscal tear of the knee

- (2) For the purposes of this Statement of Principles, acute meniscal tear of the knee:
 - (a) means an injury causing tearing of a meniscus of the knee joint resulting in a sudden onset of pain and tenderness; and
 - (b) excludes chronic tear and degenerative disease of the meniscus.

Note: Acute meniscal tear of the knee may be accompanied by the following symptoms and signs occurring within the 24 hours following the injury: pain exacerbated by twisting or pivoting movements, swelling, locking, or loss of functional ability.

- (3) While acute meniscal tear of the knee attracts ICD-10-AM code S83.2, in applying this Statement of Principles the meaning of acute meniscal tear of the knee 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), Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

Death from acute meniscal tear of the knee

- (5) For the purposes of this Statement of Principles, 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.

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 acute meniscal tear of the knee and death from acute meniscal tear of the knee can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *MRCA*, *relevant service* and *VEA* are defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, acute meniscal tear of the knee or death from acute meniscal tear of the knee is connected with the circumstances of a person's relevant service:

- (1) 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;
- (2) inability to obtain appropriate clinical management for acute meniscal tear of the knee.

10 Relationship to service

- (1) The existence in a person of any factor referred to in section 9, must be related to the relevant service rendered by the person.
- (2) The factor set out in subsection 9(2) 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 did not arise out of) the person's relevant service.

11 Factors referring to an injury or disease covered by another Statement of Principles

In this Statement of Principles:

- (1) if a factor referred to in section 9 applies in relation to a person; and
- (2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(3) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

acute meniscal tear of the knee—see subsection 7(2).

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

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*.