Statement of Principles concerning SENSORINEURAL HEARING LOSS (Reasonable Hypothesis) (No. 98 of 2019)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(2) of the Veterans' Entitlements Act 1986.

Dated 18 October 2019

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

Professor Nicholas Saunders AO
Chairperson
1 Name
This is the Statement of Principles concerning sensorineural hearing loss (Reasonable Hypothesis) (No. 98 of 2019).

2 Commencement
This instrument commences on 18 November 2018.

3 Authority
This instrument is made under subsection 196B(2) of the Veterans' Entitlements Act 1986.

4 Repeal
The Statement of Principles concerning sensorineural hearing loss No. 5 of 2011 (Federal Register of Legislation No. F2010L03252) made under subsection 196B(2) of the VEA is repealed.

5 Application
This instrument applies to a claim to which section 120A of the VEA or section 338 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 sensorineural hearing loss and death from sensorineural hearing loss.

Meaning of sensorineural hearing loss

(2) For the purposes of this Statement of Principles, sensorineural hearing loss:

(a) means acquired hearing loss due to a defect in the cochlea or auditory nerve, with a permanent shift to a hearing threshold level of 25 decibels (dB) or more, at 500, 1 000, 1 500, 2 000, 3 000, 4 000 or 6 000 hertz (Hz); and

(b) excludes:

(i) congenital deafness; and

(ii) hearing loss due to Meniere's disease.
Death from sensorineural hearing loss

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

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

8 Basis for determining the factors

The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that sensorineural hearing loss and death from sensorineural hearing loss 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 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 as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting sensorineural hearing loss or death from sensorineural hearing loss with the circumstances of a person's relevant service:

(1) being exposed to a peak sound pressure level at the tympanic membrane of at least 140 dB(C) before the clinical onset of sensorineural hearing loss;

Note: dB(C) is defined in the Schedule 1 - Dictionary.

(2) being exposed to a sound pressure level at the tympanic membrane of at least 85 dB(A) as an 8-hour time-weighted average (TWA) with a 3-dB exchange rate for a cumulative period of at least six months, before the clinical onset of sensorineural hearing loss;

Note: dB(A) and time-weighted average (TWA) with a 3-dB exchange rate are defined in the Schedule 1 - Dictionary.

(3) being exposed to an explosive blast within the 30 days before the clinical onset of sensorineural hearing loss;

(4) being struck by lightning within the 30 days before the clinical onset of sensorineural hearing loss;

(5) having:

(a) an episode of otitic barotrauma involving the affected ear; or

(b) decompression sickness;

within the 30 days before the clinical onset of sensorineural hearing loss;
undergoing a course of treatment with a drug or a drug from a class of
drugs from the specified list of drugs, within the one year before the
clinical onset of sensorineural hearing loss;

Note: specified list of drugs is defined in the Schedule 1 - Dictionary.

having received an ototopical medication as specified, directly into the
inner ear, in the presence of tympanic membrane perforation or a patent
tympanostomy tube (grommet), within the 30 days before the clinical
onset of sensorineural hearing loss;

Note: ototopical medication as specified is defined in the Schedule 1 - Dictionary.

taking paracetamol or a nonsteroidal anti-inflammatory drug on an
average of at least two days per week, for a continuous period of at
least the one year before the clinical onset of sensorineural hearing
loss;

taking a cumulative total of at least 40 grams of aspirin, or having acute
salicylate toxicity, within the 30 days before the clinical onset of
sensorineural hearing loss;

having a suppurative bacterial infection from the specified list of
bacterial infections of the middle or inner ear, involving the affected
side, within the 30 days before the clinical onset of sensorineural
hearing loss;

Note: specified list of bacterial infections is defined in the Schedule 1 - Dictionary.

having an infection with a virus from the specified list of viruses,
within the 30 days before the clinical onset of sensorineural hearing
loss;

Note: specified list of viruses is defined in the Schedule 1 - Dictionary.

having viral labyrinthitis of the affected ear within the 30 days before
the clinical onset of sensorineural hearing loss;

having meningitis or encephalitis within the one year before the clinical
onset of sensorineural hearing loss;

having neurosyphilis before the clinical onset of sensorineural hearing
loss;

having tuberculosis of the meninges, middle ear or inner ear of the
affected side, before the clinical onset of sensorineural hearing loss;

having leprosy before the clinical onset of sensorineural hearing loss;

having a disease from the specified list of bone diseases, affecting the
petrous temporal bone or middle ear ossicles of the affected side, at the
time of the clinical onset of sensorineural hearing loss;

Note: specified list of bone diseases is defined in the Schedule 1 - Dictionary.
(18) having osteoporosis at the time of the clinical onset of sensorineural hearing loss;

(19) having a disease from the specified list of autoimmune diseases at the time of the clinical onset of sensorineural hearing loss;

Note: specified list of autoimmune diseases is defined in the Schedule 1 - Dictionary.

(20) having multiple sclerosis at the time of the clinical onset of sensorineural hearing loss;

(21) having diabetes mellitus at the time of the clinical onset of sensorineural hearing loss;

(22) having a disease from the specified list of haematological diseases at the time of the clinical onset of sensorineural hearing loss;

Note: specified list of haematological diseases is defined in the Schedule 1 - Dictionary.

(23) having a cerebrovascular accident within the three months before the clinical onset of sensorineural hearing loss;

(24) having a lesion interrupting the supply of blood to the cochlea of the affected ear at the time of the clinical onset of sensorineural hearing loss;

Note: Examples of lesions interrupting the supply of blood to the cochlea include, but are not limited to, thrombosis, haemorrhage or vasospasm of the vertebro-basilar circulation, and intralabyrinthine haemorrhage or infarction.

(25) having blunt trauma, penetrating trauma or surgery to the cochlea or auditory nerve of the affected side, within the five years before the clinical onset of sensorineural hearing loss;

Note: Examples of trauma include, but are not limited to, temporal bone fracture and basilar skull fracture.

(26) having moderate to severe traumatic brain injury within the three months before the clinical onset of sensorineural hearing loss;

(27) having a benign or malignant neoplasm involving the affected auditory nerve or cochlea at the time of the clinical onset of sensorineural hearing loss;

(28) undergoing a course of therapeutic radiation for cancer, where the affected cochlea or auditory nerve was in the field of radiation, before the clinical onset of sensorineural hearing loss;

(29) inhaling, ingesting or having cutaneous contact with an agent from the specified list of chemical agents, for a cumulative period of at least 2 500 hours within a continuous period of five years, before the clinical onset of sensorineural hearing loss, and where that exposure has
ceased, the clinical onset of sensorineural hearing loss has occurred within two years of cessation;

Note: specified list of chemical agents is defined in the Schedule 1 - Dictionary.

(30) having:
(a) a cobalt-containing metal-on-metal hip prosthesis; or
(b) a serum cobalt concentration of at least 200 micrograms per litre; for at least four weeks before the clinical onset of sensorineural hearing loss;

(31) smoking at least ten pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of sensorineural hearing loss, and where smoking has ceased, the clinical onset of sensorineural hearing loss has occurred within five years of cessation;

Note: pack-years of cigarettes, or the equivalent thereof in other tobacco products is defined in the Schedule 1 - Dictionary.

(32) being exposed to second-hand smoke:
(a) for at least 2500 hours before the clinical onset of sensorineural hearing loss; and
(b) where the first exposure to second-hand smoke commenced at least five years before the clinical onset of sensorineural hearing loss; and
(c) where the last exposure to second-hand smoke occurred within the two years before the clinical onset of sensorineural hearing loss;

Note: being exposed to second-hand smoke is defined in the Schedule 1 - Dictionary.

(33) consuming an average of at least 100 grams of alcohol per day for at least the four years before the clinical onset of sensorineural hearing loss;

Note: Alcohol consumption is calculated utilising the Australian Standard of ten grams of alcohol per standard alcoholic drink.

(34) being obese for at least five years within the ten years before the clinical onset of sensorineural hearing loss;

Note: being obese is defined in the Schedule 1 - Dictionary.

(35) having hypertension at the time of the clinical onset of sensorineural hearing loss;

(36) being exposed to a peak sound pressure level at the tympanic membrane of at least 140 dB(C) before the clinical worsening of sensorineural hearing loss;

Note: dB(C) is defined in the Schedule 1 - Dictionary.
(37) being exposed to a sound pressure level at the tympanic membrane of at least 85 dB(A) as an 8-hour time-weighted average (TWA) with a 3-dB exchange rate for a cumulative period of at least six months, before the clinical worsening of sensorineural hearing loss;

Note: dB(A) and time-weighted average (TWA) with a 3-dB exchange rate are defined in the Schedule 1 - Dictionary.

(38) being exposed to an explosive blast within the 30 days before the clinical worsening of sensorineural hearing loss;

(39) being struck by lightning within the 30 days before the clinical worsening of sensorineural hearing loss;

(40) having:
   (a) an episode of otitic barotrauma involving the affected ear; or
   (b) decompression sickness;
   within the 30 days before the clinical worsening of sensorineural hearing loss;

(41) undergoing a course of treatment with a drug or a drug from a class of drugs from the specified list of drugs, within the one year before the clinical worsening of sensorineural hearing loss;

Note: specified list of drugs is defined in the Schedule 1 - Dictionary.

(42) having received an ototopical medication as specified, directly into the inner ear, in the presence of tympanic membrane perforation or a patent tympanostomy tube (grommet), within the 30 days before the clinical worsening of sensorineural hearing loss;

Note: ototopical medication as specified is defined in the Schedule 1 - Dictionary.

(43) taking paracetamol or a nonsteroidal anti-inflammatory drug on an average of at least two days per week, for a continuous period of at least the one year before the clinical worsening of sensorineural hearing loss;

(44) taking a cumulative total of at least 40 grams of aspirin, or having acute salicylate toxicity, within the 30 days before the clinical worsening of sensorineural hearing loss;

(45) having a suppurative bacterial infection from the specified list of bacterial infections of the middle or inner ear, involving the affected side, within the 30 days before the clinical worsening of sensorineural hearing loss;

Note: specified list of bacterial infections is defined in the Schedule 1 - Dictionary.
(46) having an infection with a virus from the specified list of viruses, within the 30 days before the clinical worsening of sensorineural hearing loss;

Note: specified list of viruses is defined in the Schedule 1 - Dictionary.

(47) having viral labyrinthitis of the affected ear within the 30 days before the clinical worsening of sensorineural hearing loss;

(48) having meningitis or encephalitis within the one year before the clinical worsening of sensorineural hearing loss;

(49) having neurosyphilis before the clinical worsening of sensorineural hearing loss;

(50) having tuberculosis of the meninges, middle ear or inner ear of the affected side, before the clinical worsening of sensorineural hearing loss;

(51) having leprosy before the clinical worsening of sensorineural hearing loss;

(52) having a disease from the specified list of bone diseases, affecting the petrous temporal bone or middle ear ossicles of the affected side, at the time of the clinical worsening of sensorineural hearing loss;

Note: specified list of bone diseases is defined in the Schedule 1 - Dictionary.

(53) having osteoporosis at the time of the clinical worsening of sensorineural hearing loss;

(54) having a disease from the specified list of autoimmune diseases at the time of the clinical worsening of sensorineural hearing loss;

Note: specified list of autoimmune diseases is defined in the Schedule 1 - Dictionary.

(55) having multiple sclerosis at the time of the clinical worsening of sensorineural hearing loss;

(56) having diabetes mellitus at the time of the clinical worsening of sensorineural hearing loss;

(57) having a disease from the specified list of haematological diseases at the time of the clinical worsening of sensorineural hearing loss;

Note: specified list of haematological diseases is defined in the Schedule 1 - Dictionary.

(58) having a cerebrovascular accident within the three months before the clinical worsening of sensorineural hearing loss;
having a lesion interrupting the supply of blood to the cochlea of the affected ear at the time of the clinical worsening of sensorineural hearing loss;

Note: Examples of lesions interrupting the supply of blood to the cochlea include, but are not limited to, thrombosis, haemorrhage or vasospasm of the vertebro-basilar circulation, and intralabyrinthine haemorrhage or infarction.

having blunt trauma, penetrating trauma or surgery to the cochlea or auditory nerve of the affected side within the five years before the clinical worsening of sensorineural hearing loss;

Note: Examples of trauma include, but are not limited to, temporal bone fracture and basilar skull fracture.

having moderate to severe traumatic brain injury within the three months before the clinical worsening of sensorineural hearing loss;

having a benign or malignant neoplasm involving the affected auditory nerve or cochlea at the time of the clinical worsening of sensorineural hearing loss;

undergoing a course of therapeutic radiation for cancer, where the affected cochlea or auditory nerve was in the field of radiation, before the clinical worsening of sensorineural hearing loss;

inhaling, ingesting or having cutaneous contact with an agent from the specified list of chemical agents, for a cumulative period of at least 2,500 hours within a continuous period of five years, before the clinical worsening of sensorineural hearing loss, and where that exposure has ceased, the clinical worsening of sensorineural hearing loss has occurred within two years of cessation;

Note: specified list of chemical agents is defined in the Schedule 1 - Dictionary.

having:

(a) a cobalt-containing metal-on-metal hip prosthesis; or

(b) a serum cobalt concentration of at least 200 micrograms per litre;

for at least four weeks before the clinical worsening of sensorineural hearing loss;

smoking at least ten pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical worsening of sensorineural hearing loss, and where smoking has ceased, the clinical worsening of sensorineural hearing loss has occurred within five years of cessation;

Note: pack-years of cigarettes, or the equivalent thereof in other tobacco products is defined in the Schedule 1 - Dictionary.

being exposed to second-hand smoke:

(a) for at least 2,500 hours before the clinical worsening of sensorineural hearing loss; and
where the first exposure to second-hand smoke commenced at least five years before the clinical worsening of sensorineural hearing loss; and

where the last exposure to second-hand smoke occurred within the two years before the clinical worsening of sensorineural hearing loss;

Note: **being exposed to second-hand smoke** is defined in the Schedule 1 - Dictionary.

(68) consuming an average of at least 100 grams of alcohol per day for at least the four years before the clinical worsening of sensorineural hearing loss;

Note: Alcohol consumption is calculated utilising the Australian Standard of ten grams of alcohol per standard alcoholic drink.

(69) being obese for at least five years within the ten years before the clinical worsening of sensorineural hearing loss;

Note: **being obese** is defined in the Schedule 1 - Dictionary.

(70) having hypertension at the time of the clinical worsening of sensorineural hearing loss;

(71) inability to obtain appropriate clinical management for sensorineural hearing loss.

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 factors set out in subsections 9(36) to 9(71) apply only to material contribution to, or aggravation of, sensorineural hearing loss where the person's sensorineural hearing loss 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(2) 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:

- **being exposed to second-hand smoke** means being in an enclosed space and inhaling smoke from burning tobacco products or smoke that has been exhaled by a person who is smoking.

- **being obese** means having a Body Mass Index (BMI) of 30 or greater.

Note: BMI is also defined in the Schedule 1 - Dictionary.

- **BMI** means \( W / H^2 \) where:
  - \( W \) is the person's weight in kilograms; and
  - \( H \) is the person's height in metres.

- **chronic suppurative otitis media** means a recurrent or continuous infective disorder of the middle ear characterised by perforation of the tympanic membrane and aural discharge.

- **dB(A)** means the sound pressure level in decibels measured by a sound level meter using a type A electronic filter.

- **dB(C)** means the sound pressure level in decibels measured by a sound level meter using a type C electronic filter. The type C filter is used to measure peak or impact sound pressure levels.

- **hyperviscosity syndrome** means a disorder causing an increased viscosity of the blood.

Note: Examples of disorders causing an increased viscosity of the blood include, but are not limited to, polycythaemia and Waldenstrom macroglobulinaemia.

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

- **ototopical medication as specified** means ear drops containing one or more of the following agents:
  - (a) Burow's solution (5% aluminium subacetate);
  - (b) aminoglycosides;
  - (c) chloramphenicol;
  - (d) chlorhexidine; or
  - (e) ethanol.

- **pack-years of cigarettes, or the equivalent thereof in other tobacco products** means a calculation of consumption where one pack-year of cigarettes equals 20 tailor-made cigarettes per day for a period of one calendar year, or 7 300 cigarettes. One tailor-made cigarette approximates one gram of tobacco or one gram of cigar or pipe tobacco by weight. One pack-year of tailor-made cigarettes equates to 7.3 kilograms of smoking tobacco by weight. Tobacco products mean cigarettes, pipe tobacco or cigars, smoked alone or in any combination.
relevant service means:
(a) operational service under the VEA;
(b) peacekeeping service under the VEA;
(c) hazardous service under the VEA;
(d) British nuclear test defence service under the VEA;
(e) warlike service under the MRCA; or
(f) non-warlike service under the MRCA.

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

sensorineural hearing loss—see subsection 7(2).

specified list of autoimmune diseases means:
(a) antiphospholipid antibody syndrome;
(b) Behcet disease;
(c) Cogan syndrome;
(d) eosinophilic granulomatosis with polyangiitis (Churg–Strauss syndrome);
(e) giant cell arteritis;
(f) granulomatosis with polyangiitis (Wegener granulomatosis);
(g) Hashimoto's thyroiditis;
(h) immune thrombocytopaenia;
(i) microscopic polyangiitis;
(j) mixed cryoglobulinaemia;
(k) mucocutaneous lymph node syndrome (Kawasaki disease);
(l) polyarteritis nodosa;
(m) psoriasis;
(n) pyoderma gangrenosum;
(o) relapsing polychondritis;
(p) rheumatoid arthritis;
(q) sarcoidosis;
(r) Sjogren syndrome;
(s) Susac syndrome;
(t) systemic lupus erythematosus;
(u) systemic sclerosis (scleroderma);
(v) Takayasu arteritis;
(w) ulcerative colitis; or
(x) Vogt-Koyanagi-Harada disease.

specified list of bacterial infections means:
(a) acute otitis media;
(b) chronic suppurative otitis media; or
(c) suppurative labyrinthitis.

Note: chronic suppurative otitis media and suppurative labyrinthitis are also defined in the Schedule 1 - Dictionary.

specified list of bone diseases means:
(a) acromegaly;
(b) otosclerosis; or
(c) Paget's disease of bone.
**Schedule 1 - Dictionary**

**specified list of chemical agents** means:

(a) allyl benzene;
(b) cadmium;
(c) carbon disulphide;
(d) carbon monoxide;
(e) dimethylacetamide;
(f) epoxy adhesives;
(g) ethyl benzene;
(h) lead or fumes containing lead;
(i) manganese or fumes containing manganese;
(j) mercury;
(k) methyl ethyl ketone (MEK);
(l) n-hexane;
(m) n-propylbenzene;
(n) p-xylene;
(o) styrene;
(p) toluene; or
(q) trichloroethylene.

**specified list of drugs** means:

(a) α-difluoromethylornithine (eflornithine);
(b) 2-hydroxypropyl-b-cyclodextrin (HPbCD);
(c) aminoglycosides;
(d) carboplatin;
(e) cisplatin;
(f) erlotinib;
(g) 5-fluorouracil (5-FU);
(h) gabapentin;
(i) imatinib;
(j) loop diuretics;
(k) macrolide antibiotics;
(l) misonadazole;
(m) nitrogen mustard compounds;
(n) opioids;
(o) oxaliplatin;
(p) phosphodiesterase 5 inhibitors;
(q) propylthiouracil;
(r) quinine and quinine derivatives, including mefloquine;
(s) tetracyclines;
(t) valproic acid;
(u) vancomycin;
(v) vigabatrin; or
(w) vinca alkaloids.

**specified list of haematological diseases** means:

(a) aplastic anaemia;
(b) hyperviscosity syndrome;
(c) Langerhan cell histiocytosis;
(d) leukaemia;
(e) myelodysplastic syndrome; or
(f) sickle-cell disorder.

Note: *hyperviscosity syndrome* is also defined in the Schedule 1 - Dictionary.

**specified list of viruses** means:
(a) cytomegalovirus;
(b) hepatitis B virus;
(c) hepatitis C virus;
(d) herpes simplex virus types 1 or 2;
(e) human immunodeficiency virus;
(f) Lassa virus;
(g) measles virus;
(h) mumps virus; or
(i) varicella-zoster virus infection of the geniculate ganglion on the affected side.

Note: Varicella-zoster virus infection of the geniculate ganglion is also known as herpes zoster oticus or Ramsay-Hunt syndrome.

**suppurative labyrinthitis** means inflammation of the inner ear characterised by the presence of pus.

**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.

**time-weighted average (TWA) with a 3-dB exchange rate** means the time-weighted average noise exposure level calculated according to the following formulae and shown in the table:

\[
TWA = 10.0 \times \log(D/100) + 85
\]

where \(D\) = daily dose; and
\[
D = \left[ \frac{C_1}{T_1} + \frac{C_2}{T_2} + \ldots + \frac{C_n}{T_n} \right] \times 100
\]

where \(C_n\) = total time of exposure at a specified noise level; and
\(T_n\) = exposure duration for which noise at this level becomes hazardous.
Table of noise exposure levels and durations based on 3-dB(A) exchange rate

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<th>Exposure Level, $L$ (dB(A))</th>
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**VEA** means the *Veterans' Entitlements Act 1986*. 