

Revocation and Determination
of
Statements of Principles
concerning

HIATUS HERNIA

Veterans' Entitlements Act 1986

1. The Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the Act):
 - (a) revokes Instrument No. 43 of 1999; and
 - (b) determines in its place the following Statement of Principles.

Kind of injury, disease or death

2.
 - (a) This Statement of Principles is about **hiatus hernia** and **death from hiatus hernia**.
 - (b) For the purposes of this Statement of Principles, "**hiatus hernia**", also known as hiatal hernia, means an acquired prolapse of part of the abdominal contents into the thorax through the oesophageal hiatus of the diaphragm. This definition includes sliding hiatus hernia, paraoesophageal hiatus hernia or mixed sliding and paraoesophageal hiatus hernia, but excludes congenital hiatus hernia or physiological herniation during swallowing.
 - (c) Hiatus hernia attracts ICD-10-AM code K44.
 - (d) In the application of this Statement of Principles, the definition of "**hiatus hernia**" is that given at paragraph 2(b) above.

Basis for determining the factors

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

Factors that must be related to service

4. Subject to clause 6, at least one of the factors set out in clause 5 must be related to any relevant service rendered by the person.

Factors

5. The factor that must exist before it can be said that, on the balance of probabilities, **hiatus hernia** or **death from hiatus hernia** is connected with the circumstances of a person's relevant service is:
 - (a) undergoing a surgical procedure to the region of the oesophageal hiatus of the diaphragm within the 12 months immediately before the clinical onset of hiatus hernia; or
 - (b) being obese at the time of the clinical onset of hiatus hernia; or
 - (c) sustaining acute traumatic injury to the diaphragm within the 12 months immediately before the clinical onset of hiatus hernia; or
 - (d) having gastro-oesophageal reflux disease at the time of the clinical worsening of hiatus hernia; or
 - (e) undergoing a surgical procedure to the region of the oesophageal hiatus of the diaphragm within the 12 months immediately before the clinical worsening of hiatus hernia; or
 - (f) being obese at the time of the clinical worsening of hiatus hernia; or
 - (g) sustaining acute traumatic injury to the diaphragm within the 12 months immediately before the clinical worsening of hiatus hernia; or
 - (h) inability to obtain appropriate clinical management for hiatus hernia.

Factors that apply only to material contribution or aggravation

6. Paragraphs **5(d)** to **5(h)** apply only to material contribution to, or aggravation of, hiatus hernia where the person's hiatus hernia was suffered or contracted before or during (but not arising out of) the person's relevant service; paragraph 8(1)(e), 9(1)(e) or 70(5)(d) of the Act refers.

Inclusion of Statements of Principles

7. 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.

Other definitions

8. For the purposes of this Statement of Principles:

“acute traumatic injury” means a penetrating or blunt wound, excluding a surgical procedure, to the region of the oesophageal hiatus of the diaphragm;

“being obese” means an increase in body weight by way of fat accumulation which results in a Body Mass Index (BMI) of 30 or greater.

The $BMI = W/H^2$ and where:

W is the person’s weight in kilograms and

H is the person’s height in metres;

“death from hiatus hernia” in relation to a person includes death from a terminal event or condition that was contributed to by the person’s hiatus hernia;

“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), Third Edition, effective date of 1 July 2002, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 413 9;

“relevant service” means:

- (a) eligible war service (other than operational service); or
- (b) defence service (other than hazardous service);

“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

9. This Instrument applies to all matters to which section 120B of the Act applies.

Dated this *24th* day of *May* 2004

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

KEN DONALD
CHAIRMAN