



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
LEPTOSPIROSIS
(Balance of Probabilities)
(No. 102 of 2022)

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

Dated 21 October 2022

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

Professor Terence Campbell AM
Chairperson

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1 Name

This is the Statement of Principles concerning *leptospirosis (Balance of Probabilities)* (No. 102 of 2022).

2 Commencement

This instrument commences on 21 November 2022.

3 Authority

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

4 Repeal

The Statement of Principles concerning leptospirosis No. 95 of 2014 (Federal Register of Legislation No. F2014L01386) made under subsection 196B(3) of the VEA is repealed.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 leptospirosis and death from leptospirosis.

Meaning of leptospirosis

- (2) For the purposes of this Statement of Principles, leptospirosis means an illness caused by infection with a bacterium from the genus *Leptospira*.

Note: Clinical manifestations of leptospirosis includes an initial flu-like illness with potential complications of renal failure and multi-organ disease.

- (3) While leptospirosis attracts ICD-10-AM code A27, in applying this Statement of Principles the meaning of leptospirosis 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 leptospirosis

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

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 leptospirosis and death from leptospirosis 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, leptospirosis or death from leptospirosis is connected with the circumstances of a person's relevant service:

- (1) being exposed to a pathogenic bacterium from the genus *Leptospira* between 2 and 30 days before the clinical onset of leptospirosis;

Note: *being exposed to a pathogenic bacterium* is defined in Schedule 1 – Dictionary.

- (2) inability to obtain appropriate clinical management for leptospirosis.

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, leptospirosis where the person's leptospirosis 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:

being exposed to a pathogenic bacterium means:

- (a) being bitten by an animal infected with a pathogenic bacterium; or
- (b) having direct contact of the skin or mucous membranes with:
 - (i) urine or tissues of animals infected with a pathogenic bacterium; or
 - (ii) water, soil or vegetation contaminated with a pathogenic bacterium; or
- (c) ingesting food or water contaminated with a pathogenic bacterium; or
- (d) inhaling aerosols contaminated with a pathogenic bacterium.

Note 1: Contamination of soil, water and vegetation can occur as a result of flooding. Contact with contaminated water can occur during outdoor activities such as swimming, wading and rafting in rivers, and lakes and dams.

Note 2: ***direct contact*** is also defined in the Schedule 1 – Dictionary.

direct contact means physical contact where no protective or impermeable barrier is used.

leptospirosis—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*.