

Determination

of

Statement of Principles
concerning

HUMAN IMMUNODEFICIENCY VIRUS

ICD CODES: 042, 079.53

Veterans' Entitlements Act 1986

1. This Statement of Principles is determined by the Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the Act).

Kind of injury, disease or death

2. (a) This Statement of Principles is about **human immunodeficiency virus** and **death from human immunodeficiency virus**.

(b) For the purposes of this Statement of Principles, “**human immunodeficiency virus (HIV)**” means infection with one of the human retroviruses HIV-1 or HIV-2 which are of the lentivirus subfamily and are characterised by a genome containing, as well as the genes, *gag*, *pol* and *env*, at least six other genes (*tat*, *rev*, *nef*, *vif*, *vpr*, *vpu* (HIV-1 only) and *vpx* (HIV-2 only) that encode for proteins which are involved in the regulation of HIV expression, attracting ICD code 042 or 079.53.

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 **human immunodeficiency virus** 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, the factors set out in at least one of the paragraphs in clause 5 must be related to any relevant service rendered by the person.

Factors

5. The factors that must exist before it can be said that, on the balance of probabilities, **human immunodeficiency virus** or **death from human immunodeficiency virus** is connected with the circumstances of a person's relevant service are:
 - (a) receiving a blood transfusion, a blood product injection or an organ transplant, after 1 January 1975, that was not screened for human immunodeficiency virus, and within the 15 years immediately before clinical evidence of infection with human immunodeficiency virus, or
 - (b) being injected, or undergoing a dental procedure, or a surgical procedure (including tattooing), after 1 January 1975, involving an unsterilised needle or unsterilised instruments, and within the 15 years immediately before the clinical evidence of infection with human immunodeficiency virus; or
 - (c) suffering a wound, laceration, or other injury or disease disrupting skin integrity, after 1 January 1975, that may have been contaminated by the body fluids of a person not proven to be negative for human immunodeficiency virus, and within the 15 years immediately before the clinical evidence of infection with human immunodeficiency virus; or
 - (d) being a parenteral drug user and sharing needles, after 1 January 1975, and within the 15 years immediately before the clinical evidence of infection with human immunodeficiency virus; or
 - (e) having had unprotected sexual intercourse, after 1 January 1975, with a person not proven to be negative for human immunodeficiency virus, and within the 15 years immediately before the clinical evidence of infection with human immunodeficiency virus; or
 - (f) undergoing artificial insemination with donor semen, after 1 January 1975, that was not screened for human immunodeficiency virus, and within the 15 years immediately before the clinical evidence of infection with human immunodeficiency virus; or
 - (g) inability to obtain appropriate clinical management for human immunodeficiency virus.

Note: (this note forms part of the instrument) Factors 1(a) to 1(f) only apply where there is no evidence of negative serology for human immunodeficiency virus three years or more after the reported exposure to HIV.

Factors that apply only to material contribution or aggravation

6. Paragraph 5(g) applies only to material contribution to, or aggravation of, human immunodeficiency virus where the person's human immunodeficiency virus 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.

Other definitions

7. For the purposes of this Statement of Principles:

“artificial insemination” means the introduction of semen into the vagina, cervix or uterus by artificial means. This procedure is used as a treatment for infertility;

“blood product injection” means the injection of material extracted from human blood;

“body fluids” means blood, serum, serous discharge, saliva, tears, seminal fluid, bile, or vaginal secretions;

“clinical evidence of infection with human immunodeficiency virus” means serological evidence of infection with HIV-1 or HIV-2, the development of Acquired Immunodeficiency Syndrome (AIDS), AIDS-like Syndrome or AIDS-related complex;

“ICD code” means a number assigned to a particular kind of injury or disease in the Australian Version of The International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM), effective date of 1 July 1995, copyrighted by the National Coding Centre, Faculty of Health Sciences, University of Sydney, NSW, and having ISBN 0 642 22235 5;

“laceration” means a mechanically produced wound that:

- (a) interrupts the continuity of the epidermis or other external tissue by:
- (i) tearing; or
 - (ii) scraping; or
 - (iii) cutting; and

- (b) may or may not penetrate to the subcutaneous tissues; and
- (c) was not caused by a:
 - (i) gunshot; or
 - (ii) missile; or
 - (iii) explosive device or fragment thereof; or
 - (iv) burn;

“parenteral drug user” means a person who injects or causes to be injected, addictive or recreational drugs into their body;

“relevant service” means:

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

“sexual intercourse” means physical contact between two or more individuals which involves stimulation of the genital organs of at least one of the individuals and which involves the transfer of blood, serum, seminal fluid or vaginal secretions between any two of the individuals. Sexual intercourse does not include orogenital sex or kissing, even kissing associated with the exchange of saliva;

“unprotected sexual intercourse” means sexual intercourse without barrier protection of the genitals, such as a sheath or condom, which prevents the transfer of body fluids between the two individuals.

Dated this *Sixteenth* day of *January* 1996

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

KEN DONALD
 CHAIRMAN