

Revocation and Determination

of

Statement of Principles concerning

TUBERCULOSIS

ICD CODES: 010 - 018

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.48 of 1995, and Instrument No.159 of 1995; 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 **tuberculosis** and **death from tuberculosis**.
- (b) For the purposes of this Statement of Principles, **“tuberculosis”** means a chronic granulomatous disease which may have a variety of pulmonary and extrapulmonary manifestations, may be primary or reactivated, is caused by the bacteria *Mycobacterium tuberculosis*, and attracts an ICD code in the range 010 to 018. This definition specifically excludes infection with *Mycobacterium bovis* and atypical mycobacteria such as *M. avium*, *M. intracellulare*, *M. kansasii*, *M. marinum*, and *M. ulcerans*.

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 **tuberculosis and death from tuberculosis** 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 factors that must exist before it can be said that, on the balance of probabilities, **tuberculosis** or **death from tuberculosis** is connected with the circumstances of a person's relevant service are:
 - (a) for primary tuberculosis only, in the absence of evidence of pre-existing tuberculosis or any of the risk factors contained in paragraphs 5(c), 5(d) or 5(e), being exposed to overcrowded and poorly ventilated living and/or working conditions for a continuous period of at least 90 days, within the year immediately before the clinical onset of tuberculosis; or
 - (b) for reactivated tuberculosis only, having clinical evidence of previous primary tuberculosis before the clinical onset of reactivated tuberculosis; or
 - (c) suffering protein-calorie malnutrition associated with a weight loss of at least twenty percent below ideal weight before the clinical onset of tuberculosis; or
 - (d) being infected with Human Immunodeficiency Virus (HIV) before the clinical onset of tuberculosis; or
 - (e) being in an immunosuppressed state affecting cell-mediated immunity at the time of the clinical onset of tuberculosis; or
 - (f) being infected with Human Immunodeficiency Virus (HIV) before the clinical worsening of tuberculosis; or
 - (g) being in an immunosuppressed state affecting cell-mediated immunity at the time of the clinical worsening of tuberculosis; or

- (h) suffering protein-calorie malnutrition associated with a weight loss of at least twenty percent below ideal weight at the time of the clinical worsening of tuberculosis; or
- (j) inability to obtain appropriate clinical management for tuberculosis

Factors that apply only to material contribution or aggravation

6. Paragraphs 5(f) to 5(j) apply only to material contribution to, or aggravation of, tuberculosis where the person's tuberculosis 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:

“being in an immunosuppressed state affecting cell-mediated immunity” means a condition of lowered cellular immune function which confers an increased susceptibility to infection. Examples of circumstances giving rise to this include:

- (i) haematological malignancy including the acute and chronic leukaemias and the malignant lymphomas (non-Hodgkin's lymphoma and Hodgkin's disease); or
- (ii) chronic renal failure; or
- (iii) undergoing chemotherapy with an agent which has an antimetabolite or similar action, for the treatment of a malignant or proliferative disease; or
- (iv) undergoing oral, IM, IV or intra-arterial corticosteroid therapy;

“being exposed to overcrowded and poorly ventilated living and/or working conditions” means living and/or working in abnormally close proximity to other people in a cramped or confined space with inadequate air circulation. Examples could include:

- (i) living as a POW; or
- (ii) travelling in a troop ship; or
- (iii) working below ground in a mine;

“being infected with Human Immunodeficiency Virus (HIV)” means serological evidence of infection with Human Immunodeficiency Virus, attracting ICD code 042 or 079.53;

“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 1996, copyrighted by the National Coding Centre, Faculty of Health Sciences, University of Sydney, NSW, and having ISBN 0 642 24447 2;

“ideal weight” means, for an individual, the weight range associated with a Body Mass Index (BMI) of 20-25, where $BMI = W/H^2$ and where:

W is the person’s weight in kilograms and
H is the person’s height in metres;

“primary tuberculosis” means the initial infection with *Mycobacterium tuberculosis* and which may be symptomatic (with pulmonary and/or extrapulmonary manifestations), or asymptomatic and identified through conversion of the tuberculin skin test from negative to positive, or on radiological examination of the chest;

“protein-calorie malnutrition” means a condition identified by acute weight loss and may be primary, due to inadequate intake of protein and/or energy, or secondary, due to illness that impairs intake or utilisation of nutrients or that increases nutrient requirements or metabolic losses;

“reactivated tuberculosis” also known as postprimary tuberculosis, means symptomatic tuberculosis occurring at some time (this may be years in duration) after the initial exposure and infection with *Mycobacterium tuberculosis* and usually occurs in individuals with diminished host immune response;

“relevant service” means:

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

Application

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

Dated this *Eighth* day of *October* 1997

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

KEN DONALD
CHAIRMAN