

Revocation and Determination
of
Statement of Principles
concerning
CHRONIC FATIGUE SYNDROME

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.91 of 1997; 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 **chronic fatigue syndrome** and **death from chronic fatigue syndrome**.
- (b) For the purposes of this Statement of Principles, "**chronic fatigue syndrome**" means a syndrome of new or definitive onset characterised by the presence of:
 - (i) persistent or relapsing fatigue as the principal symptom over a period of at least six months that causes significant disruption of usual daily activities; and
 - (ii) post-exertional fatigue; and
 - (iii) neuropsychiatric (cognitive) dysfunction, including new-onset impairment of short-term memory and concentration; and
 - (iv) occurring in circumstances in which no alternative diagnosis of the person's fatigue can be achieved by

history, physical or mental examination status, or laboratory investigations.

- (c) Chronic fatigue syndrome attracts ICD-10-AM code R53 or G93.3.
- (d) In the application of this Statement of Principles, the definition of “**chronic fatigue syndrome**” is that given at para 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 **chronic fatigue syndrome** and **death from chronic fatigue syndrome** 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, **chronic fatigue syndrome** or **death from chronic fatigue syndrome** is connected with the circumstances of a person’s relevant service are:
 - (a) suffering from symptomatic Epstein-Barr virus infection at the time of the clinical onset of chronic fatigue syndrome; or
 - (b) suffering from Ross River virus infection at the time of the clinical onset of chronic fatigue syndrome; or
 - (c) suffering from *Coxiella burnetti* (Q fever) infection at the time of the clinical onset of chronic fatigue syndrome; or
 - (d) inability to obtain appropriate clinical management for chronic fatigue syndrome.

Factors that apply only to material contribution or aggravation

- 6. Paragraph 5(d) applies only to material contribution to, or aggravation of, chronic fatigue syndrome where the person’s chronic fatigue syndrome 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:

“*Coxiella burnetti* (Q fever) infection” means a clinical illness compatible with Q fever accompanied by serological evidence of recently acquired *Coxiella burnetti* infection;

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

“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);

“Ross River virus infection” means a clinical illness compatible with Ross River fever accompanied by serological evidence of recently acquired Ross River virus infection;

“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 applied.

Dated this *Twenty-ninth* day of *May* 2003

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

KEN DONALD
CHAIRMAN