Revocation

of

Statement of Principles

concerning

JAKOB-CREUTZFELDT DISEASE

and

Determination

of

Statement of Principles

concerning

CREUTZFELDT-JAKOB DISEASE

for the purposes of the

Veterans’ Entitlements Act 1986

and

Military Rehabilitation and Compensation Act 2004

1. The Repatriation Medical Authority under subsection 196B(3) and (8) of the Veterans’ Entitlements Act 1986 (the VEA):

   (a) revokes Instrument No. 64 of 1995, as amended by Instrument No. 190 of 1995 and Instrument No. 50 of 1997; and

   (b) determines in their place the following Statement of Principles.

Kind of injury, disease or death

2. (a) This Statement of Principles is about Creutzfeldt-Jakob disease and death from Creutzfeldt-Jakob disease.
(b) For the purposes of this Statement of Principles, “Creutzfeldt-Jakob disease” also known as “CJD” and “Jakob-Creutzfeldt disease” means a spongiform encephalopathy, existing in sporadic, familial, and transmissible forms, associated with abnormal prion protein accumulation. This definition also includes variant Creutzfeldt-Jakob disease.

(c) Creutzfeldt-Jakob disease attracts ICD-10-AM code A81.0.

(d) In the application of this Statement of Principles, the definition of “Creutzfeldt-Jakob disease” 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 Creutzfeldt-Jakob disease and death from Creutzfeldt-Jakob disease can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the Military Rehabilitation and Compensation Act 2004 (the MRCA).

Factors that must be related to service

4. At least one of the factors set out in clause 5 must be related to the relevant service rendered by the person.

Factors

5. The factor that must exist before it can be said that, on the balance of probabilities, Creutzfeldt-Jakob disease or death from Creutzfeldt-Jakob disease is connected with the circumstances of a person’s relevant service is:

(a) undergoing a course of treatment with human pituitary growth hormone before the clinical onset of Creutzfeldt-Jakob disease; or

(b) undergoing a course of treatment with human pituitary gonadotrophins before the clinical onset of Creutzfeldt-Jakob disease; or

(c) undergoing surgery before the clinical onset of Creutzfeldt-Jakob disease; or

(d) undergoing a dura mater graft before the clinical onset of Creutzfeldt-Jakob disease; or
(e) for variant Creutzfeldt-Jakob disease only,

(i) having been treated with blood or blood products from a country known to have bovine spongiform encephalopathy infection in cattle or at least one case of variant Creutzfeldt-Jakob disease reported in a peer reviewed medical or scientific publication before the clinical onset of Creutzfeldt-Jakob disease; or

(ii) consuming beef or a beef product from an area reported in a peer reviewed medical or scientific publication to have bovine spongiform encephalopathy infection in cattle, before the clinical onset of Creutzfeldt-Jakob disease.

Inclusion of Statements of Principles

6. 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

7. For the purposes of this Statement of Principles:

“a dura mater graft” means a surgical procedure where a dura mater graft from a human donor is used;

“blood products” means material extracted from human blood;

“bovine spongiform encephalopathy infection” also known as “mad cow disease”, means a disease of cattle caused by consumption of prion-contaminated meat and bone meal;

“death from Creutzfeldt-Jakob disease” in relation to a person includes death from a terminal event or condition that was contributed to by the person’s Creutzfeldt-Jakob disease;

“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), Fourth Edition, effective date of 1 July 2004, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 594 1;
“relevant service” means:
(a) eligible war service (other than operational service) under the VEA; or
(b) defence service (other than hazardous service) under the VEA; or
(c) peacetime service under the MRCA;

“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
8. This Instrument applies to all matters to which section 120B of the VEA or section 339 of the MRCA applies.

Dated this seventh day of October 2004

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

KEN DONALD
CHAIRMAN