

Statement of Principles
concerning

SMALLPOX

No. 32 of 2008

for the purposes of the

Veterans' Entitlements Act 1986
and
Military Rehabilitation and Compensation Act 2004

Title

1. This Instrument may be cited as Statement of Principles concerning smallpox No. 32 of 2008.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 142 of 1995 concerning smallpox; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **smallpox** and **death from smallpox**.
 - (b) For the purposes of this Statement of Principles, "**smallpox**" means an infection with the variola virus, a member of the *Orthopoxvirus* genus. It is characterised by an acute onset of fever, prostration, headache and body aches followed by a vesicular or pustular rash.
 - (c) Smallpox attracts ICD-10-AM code B03.
 - (d) In the application of this Statement of Principles, the definition of "**smallpox**" is that given at paragraph 3(b) above.

Basis for determining the factors

4. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **smallpox** and **death from smallpox** 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

5. Subject to clause 7, at least one of the factors set out in clause 6 must be related to the relevant service rendered by the person.

Factors

6. The factor that must exist before it can be said that, on the balance of probabilities, **smallpox** or **death from smallpox** is connected with the circumstances of a person's relevant service is:
 - (a) being exposed to the variola virus within the three weeks before the clinical onset of smallpox; or
 - (b) being in an immunocompromised state at the time of the clinical worsening of smallpox; or
 - (c) inability to obtain appropriate clinical management for smallpox.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(b)** to **6(c)** apply only to material contribution to, or aggravation of, smallpox where the person's smallpox was suffered or contracted before or during (but not arising out of) the person's relevant service.

Inclusion of Statements of Principles

8. 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 as in force from time to time.

Other definitions

9. For the purposes of this Statement of Principles:

"an immunocompromised state" means a state where the immune response has been attenuated by administration of immunosuppressive drugs, irradiation, malnutrition, a malignant disease process or certain types of infection;

"being exposed to the variola virus" includes:

- (a) having close contact with a person who has smallpox;
- (b) having direct contact with body fluids infected with the variola virus;
- (c) handling clothing, bedding or objects contaminated with the variola virus;
- (d) having skin penetration by an instrument contaminated with the variola virus; or
- (e) being exposed to an aerosol of the variola virus;

"death from smallpox" in relation to a person includes death from a terminal event or condition that was contributed to by the person's smallpox;

"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), Fifth Edition, effective date of 1 July 2006, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 772 3;

"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

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

Date of effect

11. This Instrument takes effect from 30 April 2008.

Dated this *fourteenth* day of *April* 2008

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

KEN DONALD
CHAIRPERSON