

Statement of Principles
concerning

INFLUENZA

No. 59 of 2009

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 influenza No. 59 of 2009.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 268 of 1995 concerning influenza; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **influenza** and **death from influenza**.
 - (b) For the purposes of this Statement of Principles, "**influenza**" means an acute respiratory tract infection due to the influenza virus and characterised by fever, cough, shortness of breath, headaches, myalgia, conjunctivitis and pneumonia. This definition includes infection with human, avian and animal influenza subtypes.
 - (c) Influenza attracts ICD-10-AM code J09, J10 or J11.
 - (d) In the application of this Statement of Principles, the definition of "**influenza**" 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 **influenza** and **death from influenza** 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, **influenza** or **death from influenza** is connected with the circumstances of a person's relevant service is:
 - (a) being exposed to the influenza virus within the two weeks before the clinical onset of influenza; or
 - (b) inability to obtain appropriate clinical management for influenza.

Factors that apply only to material contribution or aggravation

7. Paragraph **6(b)** applies only to material contribution to, or aggravation of, influenza where the person's influenza 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:

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

"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), Sixth Edition, effective date of 1 July 2008, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 016 6;

"influenza virus" means a riboxynucleic acid (RNA) virus belonging to the family Orthomyxoviridae and known as type A, B or C influenza virus;

"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 2 September 2009.

Dated this *nineteenth* day of *August* 2009

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

KEN DONALD
CHAIRPERSON