

Statement of Principles
concerning

HUMAN IMMUNODEFICIENCY VIRUS

No. 5 of 2010

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 human immunodeficiency virus No. 5 of 2010.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 1 of 1996 concerning human immunodeficiency virus; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **human immunodeficiency virus (HIV)** and **death from human immunodeficiency virus**.
 - (b) For the purposes of this Statement of Principles, "**human immunodeficiency virus**" means an infection that is caused by one of the human retroviruses HIV-1 or HIV-2. The infection is characterised by a primary infection followed by an asymptomatic period with a gradual decline in immune function leading to the acquired immunodeficiency syndrome (AIDS).
 - (c) Human immunodeficiency virus attracts ICD-10-AM code B20, B21, B22, B23, B24 or Z21.

- (d) In the application of this Statement of Principles, the definition of **"human immunodeficiency virus"** is that given at paragraph 3(b) above.

Basis for determining the factors

4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **human immunodeficiency virus** and **death from human immunodeficiency virus** can be related to relevant service rendered by veterans, members of Peacekeeping Forces, 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 as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting **human immunodeficiency virus** or **death from human immunodeficiency virus** with the circumstances of a person's relevant service is:
- (a) being exposed to HIV-1 or HIV-2 before the clinical onset of human immunodeficiency virus; or
 - (b) having malaria at the time of the clinical worsening of human immunodeficiency virus; or
 - (c) having tuberculosis at the time of the clinical worsening of human immunodeficiency virus; or
 - (d) inability to obtain appropriate clinical management for human immunodeficiency virus.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(b) to 6(d)** apply only to material contribution to, or aggravation of, human immunodeficiency virus where the person's human immunodeficiency virus 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:

"a specified body substance" means at least one of the following:

- (a) blood or blood products;
- (b) semen or vaginal secretions;
- (c) tissues or organs; or
- (d) any body fluid containing blood;

"being exposed to HIV-1 or HIV-2" means having percutaneous (intravenous, intramuscular, subcutaneous or intradermal) or permucosal exposure to a specified body substance which is infected with HIV-1 or HIV-2;

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

"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;

"relevant service" means:

- (a) operational service under the VEA;
- (b) peacekeeping service under the VEA;
- (c) hazardous service under the VEA;
- (d) warlike service under the MRCA; or
- (e) non-warlike 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 120A of the VEA or section 338 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 13 January 2010.

Dated this *22nd* day of *December* 2009

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

KEN DONALD
CHAIRPERSON