



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
INFLUENZA
(Balance of Probabilities)
(No. 45 of 2017)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 18 August 2017

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

A handwritten signature in black ink, appearing to read 'Nicholas Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *influenza (Balance of Probabilities)* (No. 45 of 2017).

2 Commencement

This instrument commences on 18 September 2017.

3 Authority

This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

4 Revocation

The Statement of Principles concerning influenza No. 59 of 2009 made under subsection 196B(3) of the VEA is revoked.

5 Application

This instrument applies to a claim to which section 120B of the VEA or section 339 of the *Military Rehabilitation and Compensation Act 2004* applies.

6 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

7 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about influenza and death from influenza.

Meaning of influenza

- (2) For the purposes of this Statement of Principles, influenza means:
- (a) an acute respiratory tract infection due to the influenza virus and characterised by fever, cough, shortness of breath, headaches, myalgia, conjunctivitis and pneumonia; and
 - (b) includes infection with human and animal influenza subtypes.

Note: *influenza virus* is defined in the Schedule 1 - Dictionary.

- (3) While influenza attracts ICD-10-AM code J09, J10 or J11, in applying this Statement of Principles the meaning of influenza is that given in subsection (2).
- (4) For subsection (3), a reference to an ICD-10-AM code is a reference to the code assigned to a particular kind of injury or disease in *The*

International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification (ICD-10-AM), Ninth Edition, effective date of 1 July 2015, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-020-5.

Death from influenza

- (5) For the purposes of this Statement of Principles, influenza, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's influenza.

Note: *terminal event* is defined in the Schedule 1 – Dictionary.

8 Basis for determining the factors

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 MRCA.

Note: *relevant service* is defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors 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:

- (1) being exposed to influenza virus as specified, within the three weeks before the clinical onset of influenza;

Note: *being exposed to influenza virus as specified* and *influenza virus* are defined in the Schedule 1 - Dictionary.

- (2) for avian influenza only, being exposed to an avian influenza virus as specified, within the three weeks before the clinical onset of influenza;

Note: *being exposed to an avian influenza virus as specified* and *influenza virus* are defined in the Schedule 1 - Dictionary.

- (3) for swine influenza only, being exposed to a swine influenza virus as specified, within the three weeks before the clinical onset of influenza;

Note: *being exposed to a swine influenza virus as specified* and *influenza virus* are defined in the Schedule 1 - Dictionary.

- (4) inability to obtain influenza vaccination between ten days and six months before the clinical onset of influenza;

- (5) for severe influenza only:

- (a) having a medical condition as specified at the time of the clinical onset of influenza; or

Note: *medical condition as specified* and *severe influenza* are defined in the Schedule 1 – Dictionary.

- (b) being in the third trimester of pregnancy or the following six weeks before the clinical onset of influenza;
- (6) inability to obtain appropriate clinical management for influenza.

10 Relationship to service

- (1) The existence in a person of any factor referred to in section 9, must be related to the relevant service rendered by the person.
- (2) The factor set out in subsection 9(6) applies only to material contribution to, or aggravation of, influenza where the person's influenza was suffered or contracted before or during (but did not arise out of) the person's relevant service.

11 Factors referring to an injury or disease covered by another Statement of Principles

In this Statement of Principles:

- (1) if a factor referred to in section 9 applies in relation to a person; and
- (2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(3) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

being exposed to a swine influenza virus as specified means:

- (a) having close exposure to pigs or pork products infected with swine influenza virus; or
- (b) visiting a pig farm or market where pigs are infected with swine influenza virus; or
- (c) having direct contact with soil, surfaces or objects contaminated with swine influenza virus; or
- (d) having close exposure to a person infected with swine influenza virus; or
- (e) having direct contact with a laboratory strain of swine influenza.

Note: *close exposure* and *influenza virus* are also defined in the Schedule 1 - Dictionary.

being exposed to an avian influenza virus as specified means:

- (a) having close exposure to birds or poultry products infected with avian influenza virus; or
- (b) visiting a live bird farm or market where birds are infected with avian influenza virus; or
- (c) having direct contact with soil, water, surfaces or objects contaminated with avian influenza virus; or
- (d) having close exposure to a person infected with avian influenza virus; or
- (e) having close exposure to animals infected with avian influenza virus; or
- (f) having direct contact with a laboratory strain of avian influenza.

Note: *close exposure* and *influenza virus* are also defined in the Schedule 1 - Dictionary.

being exposed to influenza virus as specified means:

- (a) having close exposure to, or direct contact with, a person or animal infected with influenza virus; or
- (b) having close exposure to, or direct contact with, an object or substance contaminated by influenza virus; or
- (c) for human influenza virus only, being in the same household, or immediate work or travel environment, as a person who has influenza.

Note: *close exposure* and *influenza virus* are also defined in the Schedule 1 - Dictionary.

chronic renal failure means:

- (a) having a glomerular filtration rate of less than 15 mL/min/1.73 m² for a period of at least three months; or
- (b) a need for renal replacement therapy (dialysis or transplantation) for treatment of complications of decreased glomerular filtration rate which would otherwise increase the risk of morbidity and mortality; or
- (c) undergoing chronic dialysis.

close exposure means direct physical contact or being within two metres.

immunocompromised state as specified means a condition of substantially lowered immune function, such as would occur in the following conditions or circumstances:

- (a) being infected with human immunodeficiency virus;
- (b) being treated with an immunosuppressive drug;
- (c) having a haematological or solid organ malignancy;
- (d) having chronic renal failure;
- (e) having severe malnutrition; or
- (f) undergoing solid organ, stem cell or bone marrow transplantation.

Note: ***chronic renal failure*** and ***immunosuppressive drug*** are also defined in the Schedule 1 - Dictionary.

immunosuppressive drug means a drug or an agent which results in substantial suppression of immune responses.

Note: Examples of an immunosuppressive drug include corticosteroids other than inhaled or topical corticosteroids, drugs used to prevent transplant rejection, tumour necrosis factor- α inhibitors and chemotherapeutic agents used for the treatment of cancer.

influenza—see subsection 7(2).

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

medical condition as specified means one of the following:

- (a) asthma;
- (b) cardiovascular disease (excluding isolated hypertension);
- (c) chronic lung disease (including bronchiectasis, chronic obstructive pulmonary disease);
- (d) diabetes mellitus;
- (e) immunocompromised state as specified;
- (f) liver disease;
- (g) morbid obesity;
- (h) neurological disease (including epilepsy, neuromuscular and neurocognitive disease);
- (i) renal disease; or
- (j) sickle-cell disorder.

Note: ***immunocompromised state as specified*** is also defined in the Schedule 1 - Dictionary.

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

relevant service means:

- (a) eligible war service (other than operational service) under the VEA;
- (b) defence service (other than hazardous service and British nuclear test defence service) under the VEA; or
- (c) peacetime service under the MRCA.

Note: ***MRCA*** and ***VEA*** are also defined in the Schedule 1 - Dictionary.

severe influenza means influenza that is complicated by pneumonia, lower respiratory tract infection, myocarditis, pericarditis, myositis, rhabdomyolysis or neurological complications; or influenza requiring hospitalisation; or death from influenza.

terminal event means the proximate or ultimate cause of death and includes the following:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

VEA means the *Veterans' Entitlements Act 1986*.