



**Australian Government**  
**Repatriation Medical Authority**

**Statement of Principles**  
**concerning**  
**HEPATITIS C**  
**(Reasonable Hypothesis)**  
**(No. 13 of 2018)**

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The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(2) of the *Veterans' Entitlements Act 1986*.

Dated 22 December 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 'N. Saunders'.

Professor Nicholas Saunders AO  
Chairperson

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**1 Name**

This is the Statement of Principles concerning *hepatitis C (Reasonable Hypothesis)* (No. 13 of 2018).

**2 Commencement**

This instrument commences on 29 January 2018.

**3 Authority**

This instrument is made under subsection 196B(2) of the *Veterans' Entitlements Act 1986*.

**4 Revocation**

The Statement of Principles concerning hepatitis C No. 54 of 2008, made under subsection 196B(2) of the VEA is revoked.

**5 Application**

This instrument applies to a claim to which section 120A of the VEA or section 338 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 hepatitis C and death from hepatitis C.

*Meaning of hepatitis C*

- (2) For the purposes of this Statement of Principles, hepatitis C means infection with the hepatitis C virus resulting in:
- (a) an acute, symptomatic, clinical illness characterised by inflammation of the liver, and which is confirmed by laboratory testing for hepatitis C serological or nucleic acid markers;
  - (b) a chronic infection of at least six months duration, and which is confirmed by laboratory testing for hepatitis C nucleic acid markers.

Note 1: Acute hepatitis C infection is commonly accompanied by fever, tiredness, loss of appetite, nausea, vomiting, abdominal discomfort and jaundice.

Note 2: Chronic hepatitis C infection may involve both inflammation of the liver and the development of fibrosis in the longer term.

- (3) While hepatitis C attracts ICD-10-AM code B17.1 or B18.2, in applying this Statement of Principles the meaning of hepatitis C 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)*, Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

#### *Death from hepatitis C*

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

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

### **8 Basis for determining the factors**

The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that hepatitis C and death from hepatitis C 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 MRCA.

Note: *MRCA*, *relevant service* and *VEA* are defined in the Schedule 1 – Dictionary.

### **9 Factors that must exist**

At least one of the following factors must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting hepatitis C or death from hepatitis C with the circumstances of a person's relevant service:

- (1) being exposed to the hepatitis C virus at least one week before the clinical onset of hepatitis C;  
Note: *being exposed to the hepatitis C virus* is defined in the Schedule 1 - Dictionary.
- (2) being infected with the hepatitis A, hepatitis B, hepatitis D or hepatitis E virus before the clinical worsening of hepatitis C;
- (3) for chronic infection only:
  - (a) being infected with human immunodeficiency virus before the clinical worsening of hepatitis C;
  - (b) undergoing solid organ, stem cell or bone marrow transplantation before the clinical worsening of hepatitis C;
  - (c) being treated with rituximab within the one year before the clinical worsening of hepatitis C;

- (d) for females only, consuming a total of at least 55 kilograms of alcohol within the ten years before the clinical worsening of hepatitis C;

Note: Alcohol consumption is calculated utilising the Australian Standard of ten grams of alcohol per standard alcoholic drink.

- (e) for males only, consuming a total of at least 70 kilograms of alcohol within the ten years before the clinical worsening of hepatitis C;

Note: Alcohol consumption is calculated utilising the Australian Standard of ten grams of alcohol per standard alcoholic drink.

- (f) smoking at least 15 pack-years of cigarettes, or the equivalent thereof in other tobacco products, within the 20 years before the clinical worsening of hepatitis C;

Note: *pack-years of cigarettes, or the equivalent thereof in other tobacco products* is defined in the Schedule 1 - Dictionary.

- (g) being obese for at least the five years before the clinical worsening of hepatitis C;

Note: *being obese* is defined in the Schedule 1 - Dictionary.

- (h) having severe hepatic iron overload at the time of the clinical worsening of hepatitis C; or

Note: *iron overload* is defined in the Schedule 1 - Dictionary.

- (i) having evidence of chronic infection with schistosomiasis involving the liver before the clinical worsening of hepatitis C;

- (4) inability to obtain appropriate clinical management for hepatitis C.

## **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 factors set out in subsections 9(2) to 9(4) apply only to material contribution to, or aggravation of, hepatitis C where the person's hepatitis C 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(2) 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 the hepatitis C virus*** means:

- (a) having percutaneous exposure (intravenous, intramuscular, subcutaneous or intradermal) or permucosal exposure to a specified body substance which is derived from a person infected with the hepatitis C virus; or
- (b) having a tissue or organ transplant, where the tissue or organ is derived from a person infected with the hepatitis C virus.

Note: *specified body substance* is also defined in the Schedule 1 - Dictionary.

***being obese*** means having a Body Mass Index (BMI) of 30 or greater.

Note: **BMI** is also defined in the Schedule 1 - Dictionary.

**BMI** means  $W/H^2$  where:

W is the person's weight in kilograms; and  
H is the person's height in metres.

***hepatitis C***—see subsection 7(2).

***iron overload*** means an accumulation of excess iron in tissues and organs which has been confirmed by elevated ferritin or transferrin saturation levels.

Note: Causes include haemochromatosis or blood transfusions.

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

***pack-years of cigarettes, or the equivalent thereof in other tobacco products*** means a calculation of consumption where one pack-year of cigarettes equals 20 tailor-made cigarettes per day for a period of one calendar year, or 7 300 cigarettes. One tailor-made cigarette approximates one gram of tobacco or one gram of cigar or pipe tobacco by weight. One pack-year of tailor-made cigarettes equates to 7.3 kilograms of smoking tobacco by weight. Tobacco products mean cigarettes, pipe tobacco or cigars, smoked alone or in any combination.

***relevant service*** means:

- (a) operational service under the VEA;
- (b) peacekeeping service under the VEA;
- (c) hazardous service under the VEA;
- (d) British nuclear test defence service under the VEA;
- (e) warlike service under the MRCA; or
- (f) non-warlike service under the MRCA.

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

***specified body substance*** means:

- (a) blood, blood products or any body fluid containing blood; or
- (b) semen or vaginal secretions.

***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*.