

Statement of Principles
concerning

HEREDITARY SPHEROCYTOSIS

No. 14 of 2007

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 hereditary spherocytosis No. 14 of 2007.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 58 of 1995 concerning hereditary spherocytosis; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **hereditary spherocytosis** and **death from hereditary spherocytosis**.
 - (b) For the purposes of this Statement of Principles, "**hereditary spherocytosis**" means a genetic disorder characterised by the production of spherical red blood cells which are prone to haemolysis in the spleen.
 - (c) Hereditary spherocytosis attracts ICD-10-AM code D58.0.

- (d) In the application of this Statement of Principles, the definition of "**hereditary spherocytosis**" 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 **hereditary spherocytosis** and **death from hereditary spherocytosis** 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, **hereditary spherocytosis** or **death from hereditary spherocytosis** is connected with the circumstances of a person's relevant service is:
- (a) having an acute viral infection within the 21 days before the clinical worsening of hereditary spherocytosis; or
 - (b) having an infection or inflammatory disease process at the time of the clinical worsening of hereditary spherocytosis; or
 - (c) being pregnant at the time of the clinical worsening of hereditary spherocytosis; or
 - (d) inability to obtain appropriate clinical management for hereditary spherocytosis.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(a) to 6(d)** apply only to material contribution to, or aggravation of, hereditary spherocytosis where the person's hereditary spherocytosis 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 hereditary spherocytosis" in relation to a person includes death from a terminal event or condition that was contributed to by the person's hereditary spherocytosis;

"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 10 January 2007.

Dated this *eighteenth* day of *December* 2006

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

KEN DONALD
CHAIRPERSON