

Statement of Principles
concerning

HUMAN T-CELL LYMPHOTROPIC VIRUS TYPE-1

No. 8 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 T-cell lymphotropic virus type-1 No. 8 of 2010.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 52 of 1996 concerning human T-cell lymphotropic virus type-1; 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 T-cell lymphotropic virus type-1** (HTLV-1) and **death from human T-cell lymphotropic virus type-1**.
 - (b) For the purposes of this Statement of Principles, "**human T-cell lymphotropic virus type-1**" means an infection that is caused by the human retrovirus HTLV-1. It is characterised by a clinically inapparent primary infection that can lead to adult T-cell leukaemia or lymphoma, HTLV-1-associated myelopathy and HTLV-1-associated uveitis.

- (c) Human T-cell lymphotropic virus type-1 attracts ICD-10-AM code Z22.6.
- (d) In the application of this Statement of Principles, the definition of **"human T-cell lymphotropic virus type-1"** 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 **human T-cell lymphotropic virus type-1** and **death from human T-cell lymphotropic virus type-1** 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, **human T-cell lymphotropic virus type-1** or **death from human T-cell lymphotropic virus type-1** is connected with the circumstances of a person's relevant service is:
 - (a) being exposed to HTLV-1 before the clinical onset of human T-cell lymphotropic virus type-1; or
 - (b) inability to obtain appropriate clinical management for human T-cell lymphotropic virus type-1.

Factors that apply only to material contribution or aggravation

- 7. Paragraph 6(b) applies only to material contribution to, or aggravation of, human T-cell lymphotropic virus type-1 where the person's human T-cell lymphotropic virus type-1 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 HTLV-1" means having percutaneous (intravenous, intramuscular, subcutaneous or intradermal) or permucosal exposure to a specified body substance which is infected with human T-cell lymphotropic virus type-1;

"death from human T-cell lymphotropic virus type-1" in relation to a person includes death from a terminal event or condition that was contributed to by the person's human T-cell lymphotropic virus type-1;

"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) 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 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