



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
CHRONIC FATIGUE SYNDROME
No. 12 of 2014

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 chronic fatigue syndrome No. 12 of 2014.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 24 of 2003 concerning chronic fatigue syndrome; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **chronic fatigue syndrome** and **death from chronic fatigue syndrome**.
 - (b) For the purposes of this Statement of Principles, "**chronic fatigue syndrome**" means a syndrome of new or definitive onset characterised by intense fatigue that is not improved by bed rest and that may be worsened by physical activity or mental exertion. A diagnosis of chronic fatigue syndrome requires the following criteria:
 - A. severe chronic fatigue for six or more consecutive months that is not due to ongoing exertion and where other mental or

physical conditions associated with fatigue have been ruled out by a doctor and by any relevant diagnostic testing; and

- B. the fatigue significantly interferes with daily activities and work; and
- C. the individual concurrently has four or more of the following eight symptoms:
 - (i) post-exertion malaise lasting more than 24 hours;
 - (ii) unrefreshing sleep;
 - (iii) significant impairment of short-term memory or concentration;
 - (iv) muscle pain;
 - (v) pain in the joints without swelling or redness;
 - (vi) headaches of a new type, pattern, or severity;
 - (vii) tender lymph nodes in the neck or armpit; or
 - (viii) a sore throat that is frequent or recurring;

These symptoms should have persisted or recurred during six or more consecutive months of illness and they cannot have first appeared before the fatigue; and

- D. the individual does not have a diagnosis within the past five years of:
 - (i) bipolar affective disorders;
 - (ii) schizophrenia of any subtype;
 - (iii) delusional disorders of any subtype;
 - (iv) dementias of any subtype;
 - (v) major depressive disorder with psychotic or melancholic features;
 - (vi) anorexia nervosa; or
 - (vii) bulimia nervosa; and
- E. the individual does not have an alcohol or substance use disorder, occurring within two years of the onset of chronic fatigue and any time afterwards; and
- F. the individual does not have severe obesity (defined as having a BMI equal to or greater than 45).

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 **chronic fatigue syndrome** and **death from chronic fatigue syndrome** 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, **chronic fatigue syndrome** or **death from chronic fatigue syndrome** is connected with the circumstances of a person's relevant service is:
 - (a) having an infection as specified at the time of the clinical onset of chronic fatigue syndrome; or
 - (b) inability to obtain appropriate clinical management for chronic fatigue syndrome.

Factors that apply only to material contribution or aggravation

7. Paragraph **6(b)** applies only to material contribution to, or aggravation of, chronic fatigue syndrome where the person's chronic fatigue syndrome 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:

"an infection as specified" means having clinical and laboratory evidence of an acute infection with one of the following organisms:

- (a) *Coxiella burnetii* (Q fever);
- (b) Epstein-Barr virus (infectious mononucleosis); or
- (c) Ross River virus;

"BMI" means body mass index and is calculated as follows:

The $BMI = W/H^2$ and where:

W is the person's weight in kilograms; and

H is the person's height in metres;

"death from chronic fatigue syndrome" in relation to a person includes death from a terminal event or condition that was contributed to by the person's chronic fatigue syndrome;

"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;

"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 15 January 2014.

Dated this *nineteenth* day of *December* 2013

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

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PROFESSOR NICHOLAS SAUNDERS AO
CHAIRPERSON