Statement of Principles concerning Ross River virus infection (Reasonable Hypothesis) (No. 94 of 2019)

made under subsection 196B(2) of the

Veterans' Entitlements Act 1986

Compilation No. 1

Compilation date: 22 October 2019

Includes amendments up to: Amendment Statement of Principles concerning Ross River virus infection (Reasonable Hypothesis) (No. 103 of 2019) (F2019L01370)

The day of commencement of this Amendment Statement of Principles concerning Ross River virus infection is 22 October 2019.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane
About this compilation

This compilation

This is a compilation of the Statement of Principles concerning Ross River virus infection (Reasonable Hypothesis) (No. 94 of 2019) that shows the text of the law as amended and in force on 22 October 2019.

The notes at the end of this compilation (the endnotes) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
Statement of Principles

concerning

ROSS RIVER VIRUS INFECTION
(Reasonable Hypothesis)
(No. 94 of 2019)

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

Dated 18 October 2019
Statement of Principles concerning
Ross River Virus Infection (Reasonable Hypothesis) (No. 94 of 2019)
Veterans’ Entitlements Act 1986

Compilation No. 1 Compilation date: 22/10/2019

Authorised Version F2019C00786 registered 25/10/2019
1 Name
This is the Statement of Principles concerning *Ross River virus infection (Reasonable Hypothesis)* (No. 94 of 2019).

2 Commencement
This instrument commences on 18 November 2019.

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

4 Repeal
The Statement of Principles concerning Ross River virus infection No. 90 of 2010 (Federal Register of Legislation No. F2010L02846) made under subsection 196B(2) of the VEA is repealed.

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 *Ross River virus infection* and death from *Ross River virus infection*.

*Meaning of Ross River virus infection*

(2) For the purposes of this Statement of Principles, *Ross River virus infection* means a symptomatic, clinical illness caused by infection with *Ross River virus*.

Note 1: *Ross River virus* is transmitted by *Aedes* and *Culex* mosquitoes.

Note 2: Typical symptoms of *Ross River virus infection* include fever with arthralgia, rash, myalgia and lethargy.

(3) While *Ross River virus infection* attracts ICD-10-AM code B33.1, in applying this Statement of Principles the meaning of *Ross River virus infection* is that given in subsection (2).

*Death from Ross River virus infection*

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

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 Ross River virus infection and death from Ross River virus infection 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 Ross River virus infection or death from Ross River virus infection with the circumstances of a person's relevant service:

(1) being exposed to the Ross River virus between three and 21 days before the clinical onset of Ross River virus infection;

Note: *being exposed to the Ross River virus* is defined in the Schedule 1 - Dictionary.

(2) being in a country or geographic area that has experienced Ross River virus transmission, between three and 21 days before the clinical onset of Ross River virus infection;

Note: *country or geographic area that has experienced Ross River virus transmission* is defined in the Schedule 1 - Dictionary.

(3) inability to obtain appropriate clinical management for Ross River virus infection.

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(3) applies only to material contribution to, or aggravation of, Ross River virus infection where the person's Ross River virus infection 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 Ross River virus means:
(a) being bitten by a mosquito that is infected with Ross River virus; or
(b) receiving a blood transfusion, a blood product, a stem cell transplant or
an organ transplant, where the blood, tissue or organ is derived from a
person infected with Ross River virus.

country or geographic area that has experienced Ross River virus transmission means:
(a) American Samoa;
(b) Australia;
(c) Cook Islands;
(d) East Timor;
(e) Fiji;
(f) French Polynesia;
(g) Indonesia east of the Weber line;
(h) New Caledonia;
(i) Papua New Guinea;
(j) Solomon Islands; or
(k) Wallis and Futuna.

Note: The Weber line means a hypothetical boundary lying along the Australo-Papuan Shelf, which is
the common boundary of the Asian and Australian faunal regions, and is located to the east of Timor.


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.

Ross River virus infection—see subsection 7(2).

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.
Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.
Statement of Principles concerning
Ross River Virus Infection (Reasonable Hypothesis) (No. 94 of 2019)
Veterans’ Entitlements Act 1986

Compilation No. 1
Compilation date: 22/10/2019

Authorised Version F2019C00786 registered 25/10/2019
### Endnote 3—Legislation history

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## Endnote 4—Amendment history

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