



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
SMALLPOX
(Balance of Probabilities)
(No. 90 of 2016)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 28 October 2016

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 *smallpox (Balance of Probabilities)* (No. 90 of 2016).

2 Commencement

This instrument commences on 28 November 2016.

3 Authority

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

4 Revocation

The Statement of Principles concerning smallpox No. 32 of 2008 made under subsection 196B(3) of the VEA is revoked.

5 Application

This instrument applies to a claim to which section 120B of the VEA or section 339 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 smallpox and death from smallpox.

Meaning of smallpox

- (2) For the purposes of this Statement of Principles, smallpox means a clinical illness caused by infection with the variola virus, a member of the *Orthopoxvirus* genus, which has been confirmed by laboratory testing. Symptoms and signs may include an acute onset of fever, prostration, headache, body aches and a vesicular or pustular rash.
- (3) While smallpox attracts ICD-10-AM code B03, in applying this Statement of Principles the meaning of smallpox 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)*,

Death from smallpox

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

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

8 Basis for determining the factors

On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that smallpox and death from smallpox can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *relevant service* is defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, smallpox or death from smallpox is connected with the circumstances of a person's relevant service:

- (1) being exposed to the variola virus within the four weeks before the clinical onset of smallpox;

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

- (2) for death from smallpox only, being pregnant within the six weeks before the clinical onset of smallpox;
- (3) inability to obtain appropriate clinical management for smallpox.

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, smallpox where the person's smallpox 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(3) 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 variola virus means:

- (a) having close contact with a person who has smallpox; or
- (b) having direct contact with body fluids or tissue from a person infected with the variola virus; or
- (c) having direct contact with a laboratory strain of the variola virus; or
- (d) handling clothing, bedding, or objects contaminated with the variola virus; or
- (e) having skin penetration by an instrument contaminated with the variola virus; or
- (f) inhaling droplet nuclei or aerosols of the variola virus.

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

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.

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

smallpox—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*.