



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
HEPATITIS C
(Reasonable Hypothesis)
(No. 13 of 2018)

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

Dated 22 December 2017

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

Contents

1	Name	3
2	Commencement	3
3	Authority	3
4	Revocation	3
5	Application.....	3
6	Definitions	3
7	Kind of injury, disease or death to which this Statement of Principles relates	3
8	Basis for determining the factors	4
9	Factors that must exist.....	4
10	Relationship to service	5
11	Factors referring to an injury or disease covered by another Statement of Principles	5
Schedule 1 - Dictionary		7
1	Definitions	7

1 Name

This is the Statement of Principles concerning *hepatitis C (Reasonable Hypothesis)* (No. 13 of 2018).

2 Commencement

This instrument commences on 29 January 2018.

3 Authority

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

4 Revocation

The Statement of Principles concerning hepatitis C No. 54 of 2008, made under subsection 196B(2) of the VEA is revoked.

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 hepatitis C and death from hepatitis C.

Meaning of hepatitis C

- (2) For the purposes of this Statement of Principles, hepatitis C means infection with the hepatitis C virus resulting in:
- (a) an acute, symptomatic, clinical illness characterised by inflammation of the liver, and which is confirmed by laboratory testing for hepatitis C serological or nucleic acid markers;
 - (b) a chronic infection of at least six months duration, and which is confirmed by laboratory testing for hepatitis C nucleic acid markers.

Note 1: Acute hepatitis C infection is commonly accompanied by fever, tiredness, loss of appetite, nausea, vomiting, abdominal discomfort and jaundice.

Note 2: Chronic hepatitis C infection may involve both inflammation of the liver and the development of fibrosis in the longer term.

- (3) While hepatitis C attracts ICD-10-AM code B17.1 or B18.2, in applying this Statement of Principles the meaning of hepatitis C 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)*, Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

Death from hepatitis C

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

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 hepatitis C and death from hepatitis C 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 hepatitis C or death from hepatitis C with the circumstances of a person's relevant service:

- (1) being exposed to the hepatitis C virus at least one week before the clinical onset of hepatitis C;
Note: *being exposed to the hepatitis C virus* is defined in the Schedule 1 - Dictionary.
- (2) being infected with the hepatitis A, hepatitis B, hepatitis D or hepatitis E virus before the clinical worsening of hepatitis C;
- (3) for chronic infection only:
 - (a) being infected with human immunodeficiency virus before the clinical worsening of hepatitis C;
 - (b) undergoing solid organ, stem cell or bone marrow transplantation before the clinical worsening of hepatitis C;
 - (c) being treated with rituximab within the one year before the clinical worsening of hepatitis C;

- (d) for females only, consuming a total of at least 55 kilograms of alcohol within the ten years before the clinical worsening of hepatitis C;

Note: Alcohol consumption is calculated utilising the Australian Standard of ten grams of alcohol per standard alcoholic drink.

- (e) for males only, consuming a total of at least 70 kilograms of alcohol within the ten years before the clinical worsening of hepatitis C;

Note: Alcohol consumption is calculated utilising the Australian Standard of ten grams of alcohol per standard alcoholic drink.

- (f) smoking at least 15 pack-years of cigarettes, or the equivalent thereof in other tobacco products, within the 20 years before the clinical worsening of hepatitis C;

Note: *pack-years of cigarettes, or the equivalent thereof in other tobacco products* is defined in the Schedule 1 - Dictionary.

- (g) being obese for at least the five years before the clinical worsening of hepatitis C;

Note: *being obese* is defined in the Schedule 1 - Dictionary.

- (h) having severe hepatic iron overload at the time of the clinical worsening of hepatitis C; or

Note: *iron overload* is defined in the Schedule 1 - Dictionary.

- (i) having evidence of chronic infection with schistosomiasis involving the liver before the clinical worsening of hepatitis C;

- (4) inability to obtain appropriate clinical management for hepatitis C.

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 factors set out in subsections 9(2) to 9(4) apply only to material contribution to, or aggravation of, hepatitis C where the person's hepatitis C 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 hepatitis C virus means:

- (a) having percutaneous exposure (intravenous, intramuscular, subcutaneous or intradermal) or permucosal exposure to a specified body substance which is derived from a person infected with the hepatitis C virus; or
- (b) having a tissue or organ transplant, where the tissue or organ is derived from a person infected with the hepatitis C virus.

Note: *specified body substance* is also defined in the Schedule 1 - Dictionary.

being obese means having a Body Mass Index (BMI) of 30 or greater.

Note: **BMI** is also defined in the Schedule 1 - Dictionary.

BMI means W/H^2 where:

W is the person's weight in kilograms; and
H is the person's height in metres.

hepatitis C—see subsection 7(2).

iron overload means an accumulation of excess iron in tissues and organs which has been confirmed by elevated ferritin or transferrin saturation levels.

Note: Causes include haemochromatosis or blood transfusions.

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

pack-years of cigarettes, or the equivalent thereof in other tobacco products means a calculation of consumption where one pack-year of cigarettes equals 20 tailor-made cigarettes per day for a period of one calendar year, or 7 300 cigarettes. One tailor-made cigarette approximates one gram of tobacco or one gram of cigar or pipe tobacco by weight. One pack-year of tailor-made cigarettes equates to 7.3 kilograms of smoking tobacco by weight. Tobacco products mean cigarettes, pipe tobacco or cigars, smoked alone or in any combination.

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.

specified body substance means:

- (a) blood, blood products or any body fluid containing blood; or
- (b) semen or vaginal secretions.

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*.