



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
ZIKA VIRUS INFECTION
(Balance of Probabilities)
(No. 16 of 2018)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) 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

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1 Name

This is the Statement of Principles concerning *Zika virus infection (Balance of Probabilities)* (No. 16 of 2018).

2 Commencement

This instrument commences on 29 January 2018.

3 Authority

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

4 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.

5 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

6 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about Zika virus infection and death from Zika virus infection.

Meaning of Zika virus infection

- (2) For the purposes of this Statement of Principles, Zika virus infection means a symptomatic, clinical illness caused by the Zika virus, which has been confirmed by laboratory testing.

Note: Typical symptoms of Zika virus infection include an itchy macular or maculopapular rash, tiredness, headache, arthralgias, myalgias, non-purulent conjunctivitis, lower back pain and mild fever.

Death from Zika virus infection

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

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

7 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 Zika virus infection and death from Zika virus infection can be related to relevant service rendered by veterans 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.

8 Factors that must exist

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

- (1) being exposed to the Zika virus between one and 21 days before the clinical onset of Zika virus infection;

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

- (2) inability to obtain appropriate clinical management for Zika virus infection.

9 Relationship to service

- (1) The existence in a person of any factor referred to in section 8, must be related to the relevant service rendered by the person.
- (2) The factor set out in subsection 8(2) applies only to material contribution to, or aggravation of, Zika virus infection where the person's Zika virus infection was suffered or contracted before or during (but did not arise out of) the person's relevant service.

10 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 8 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 5

1 Definitions

In this instrument:

being exposed to the Zika virus means one of the following:

- (a) being bitten by a mosquito that is infected with the Zika virus;
- (b) being in a country or an area of a country that has been designated by a recognised health authority to be experiencing current Zika virus transmission;
- (c) having percutaneous or mucocutaneous exposure to blood infected with the Zika virus;
- (d) having sexual contact with a person infected with the Zika virus; or
- (e) receiving a blood transfusion, blood products, a stem cell transplant or an organ transplant infected with the Zika virus.

Note: Examples of recognised health authorities include the World Health Organization, the Centers for Disease Control and Prevention, and national government health departments.

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.

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*.

Zika virus infection—see subsection 6(2).