

Statement of Principles  
concerning

**HEPATITIS B**

**No. 53 of 2008**

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 hepatitis B No. 53 of 2008.

**Determination**

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
  - (a) revokes Instrument No. 12 of 1999 concerning hepatitis B; and
  - (b) determines in its place this Statement of Principles.

**Kind of injury, disease or death**

3.
  - (a) This Statement of Principles is about **hepatitis B** and **death from hepatitis B**.
  - (b) For the purposes of this Statement of Principles, "**hepatitis B**" means inflammation of the liver due to infection with the hepatitis B virus. This definition includes acute and chronic infection, where:

**"acute infection"** means the presence of IgM hepatitis B core antibodies (anti-HBc) on serological testing, together with hepatitis B surface antigen (HBsAg) or hepatitis B virus deoxyribonucleic acid (HBV DNA).

**"chronic infection"** means the presence of HBsAg or HBV DNA, in the absence of IgM anti-HBc.

- (c) Hepatitis B attracts ICD-10-AM code B16, B18.0 or B18.1.
- (d) In the application of this Statement of Principles, the definition of **"hepatitis B"** is that given at paragraph 3(b) above.

#### **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 **hepatitis B** and **death from hepatitis B** 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, **hepatitis B** or **death from hepatitis B** is connected with the circumstances of a person's relevant service is:
  - (a) for acute infection only, being exposed to the hepatitis B virus at least 45 days and less than 180 days before the clinical onset of hepatitis B; or
  - (b) for chronic infection only, being exposed to the hepatitis B virus more than 180 days before the clinical onset of hepatitis B; or
  - (c) being in an area where the prevalence of hepatitis B is at least 2% for a continuous period of at least 180 days before the clinical onset of hepatitis B; or
  - (d) being in an immunosuppressed state in the five years before the clinical worsening of hepatitis B; or
  - (e) undergoing a course of therapeutic radiation to the region of the liver before the clinical worsening of hepatitis B; or
  - (f) being infected with the hepatitis A, hepatitis C, hepatitis D or hepatitis E virus before the clinical worsening of hepatitis B; or

- (g) consuming a total of 180 kilograms of alcohol within any ten year period before the clinical worsening of hepatitis B; or
- (h) inability to obtain appropriate clinical management for hepatitis B.

### **Factors that apply only to material contribution or aggravation**

- 7. Paragraphs **6(d) to 6(h)** apply only to material contribution to, or aggravation of, hepatitis B where the person's hepatitis B 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:

**"a course of therapeutic radiation"** means one or more fractions (treatment portions) of ionising radiation administered with the aim of achieving palliation or cure with gamma rays, x-rays, alpha particles or beta particles;

**"a specified body substance"** means at least one of the following fluids or tissues:

- (a) blood or blood products;
- (b) saliva;
- (c) cerebrospinal fluid;
- (d) peritoneal, pleural, pericardial or synovial fluid;
- (e) amniotic fluid;
- (f) semen or vaginal secretions;
- (g) serous discharge;
- (h) unfixed tissues or organs; or
- (i) any body fluid containing blood;

**"being exposed to the hepatitis B virus"** means having percutaneous (intravenous, intramuscular, subcutaneous or intradermal) or permucosal exposure to a specified body substance which is infected with the hepatitis B virus;

**"being in an immunosuppressed state"** means being in a condition of lowered immune function due to one of the following circumstances or conditions:

- (a) undergoing chemotherapy for the treatment of a malignant or proliferative disease;
- (b) undergoing treatment with corticosteroids, excluding topical or inhaled corticosteroids;
- (c) undergoing treatment with a tumour necrosis factor- $\alpha$  antagonist;
- (d) undergoing solid organ, stem cell or bone marrow transplantation; or
- (e) being infected with the human immunodeficiency virus (HIV);

**"death from hepatitis B"** in relation to a person includes death from a terminal event or condition that was contributed to by the person's hepatitis B;

**"ICD-10-AM code"** means a number assigned to a particular kind of injury or disease in The International Statistical Classification of Diseases and Related Health Problems, 10th Revision, Australian Modification (ICD-10-AM), Sixth Edition, effective date of 1 July 2008, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 016 6;

**"relevant service"** means:

- (a) eligible war service (other than operational service) under the VEA; or
- (b) defence service (other than hazardous 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 3 September 2008.

Dated this *twentieth* day of *August* 2008

The Common Seal of the )  
Repatriation Medical Authority )  
was affixed to this instrument )  
in the presence of: )

KEN DONALD  
CHAIRPERSON