



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
CHRONIC FATIGUE SYNDROME
(Balance of Probabilities)
(No. 106 of 2021)

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

Dated 22 October 2021

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

Professor Terence Campbell AM
Chairperson

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1 Name

This is the Statement of Principles concerning *chronic fatigue syndrome (Balance of Probabilities)* (No. 106 of 2021).

2 Commencement

This instrument commences on 22 November 2021.

3 Authority

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

4 Repeal

The Statement of Principles concerning chronic fatigue syndrome No. 12 of 2014 (Federal Register of Legislation No. F2014L00015) made under subsection 196B(3) of the VEA is repealed.

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 chronic fatigue syndrome and death from chronic fatigue syndrome.

Meaning of chronic fatigue syndrome

- (2) For the purposes of this Statement of Principles, chronic fatigue syndrome means a syndrome of intense, prolonged fatigue that meets the following diagnostic criteria:
- (a) new or definitive onset of severe fatigue that is not improved by bed rest and that may be worsened by physical activity or mental exertion;
 - (b) the fatigue has persisted for at least 6 consecutive months and is not due to ongoing exertion;
 - (c) other mental or physical conditions associated with fatigue have been ruled out by a doctor and by any relevant diagnostic testing;
 - (d) the fatigue significantly interferes with daily activities and work; and

(e) the individual concurrently has 4 or more of the following 8 symptoms:

- (i) post-exertion malaise lasting more than 24 hours;
- (ii) unrefreshing sleep;
- (iii) significant impairment of short-term memory or concentration;
- (iv) muscle pain;
- (v) pain in the joints without swelling or redness;
- (vi) headaches of a new type, pattern, or severity;
- (vii) tender lymph nodes in the neck or armpit; or
- (viii) a sore throat that is frequent or recurring.

Note 1: Any of these additional symptoms should have persisted or recurred during 6 or more consecutive months of illness and they cannot have first appeared before the fatigue.

Note 2: Other mental and physical conditions that can be associated with severe, chronic fatigue include depressive disorder, bipolar disorder, alcohol use disorder, substance use disorder, schizophrenia, eating disorders, dementia of any type and morbid obesity.

Death from chronic fatigue syndrome

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

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 chronic fatigue syndrome and death from chronic fatigue syndrome 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.

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, chronic fatigue syndrome or death from chronic fatigue syndrome is connected with the circumstances of a person's relevant service:

- (1) having an acute infection from the specified list of infections at the time of the clinical onset of chronic fatigue syndrome;

Note: *specified list of infections* is defined in the Schedule 1 - Dictionary.

- (2) inability to obtain appropriate clinical management for chronic fatigue syndrome.

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(2) applies only to material contribution to, or aggravation of, chronic fatigue syndrome where the person's chronic fatigue syndrome 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:

chronic fatigue syndrome—see subsection 7(2).

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.

specified list of infections means:

- (a) *Coxiella burnetii* (Q fever);
- (b) Epstein-Barr virus (infectious mononucleosis); or
- (c) Ross River virus.

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*.