



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
OPISTHORCHIASIS
(Balance of Probabilities)
(No. 46 of 2016)

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

Dated 22 April 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 'Nicholas Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *opisthorchiasis (Balance of Probabilities)* (No. 46 of 2016).

2 Commencement

This instrument commences on 23 May 2016.

3 Authority

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

4 Revocation

The Statement of Principles concerning opisthorchiasis No. 112 of 2007 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 opisthorchiasis and death from opisthorchiasis.

Meaning of opisthorchiasis

- (2) For the purposes of this Statement of Principles, opisthorchiasis means a symptomatic clinical infection of the biliary system by the trematodes *Opisthorchis felinus* or *Opisthorchis viverrini*. This infection is characterised by loss of appetite, diarrhoea, or a sense of abdominal pressure.
- (3) While opisthorchiasis attracts ICD-10-AM code B66.0, in applying this Statement of Principles the meaning of opisthorchiasis 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)*,

Ninth Edition, effective date of 1 July 2015, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-020-5.

Death from opisthorchiasis

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

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 opisthorchiasis and death from opisthorchiasis 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, opisthorchiasis or death from opisthorchiasis is connected with the circumstances of a person's relevant service:

- (1) for infection with *Opisthorchis viverrini* only:
- (a) ingesting the skin or flesh of raw, undercooked, iced, pickled or smoked freshwater fish containing encysted larvae of *Opisthorchis viverrini*, at least three weeks before the clinical onset of opisthorchiasis; or
 - (b) ingesting the skin or flesh of raw, undercooked, iced, pickled or smoked freshwater fish from a country from Specified List 1 of countries, at least three weeks before the clinical onset of opisthorchiasis;

Note: *Specified List 1 of countries* is defined in the Schedule 1 - Dictionary.

- (2) for infection with *Opisthorchis felineus* only:
- (a) ingesting the skin or flesh of raw, undercooked, iced, pickled or smoked freshwater fish containing encysted larvae of *Opisthorchis felineus*, at least three weeks before the clinical onset of opisthorchiasis; or
 - (b) ingesting the skin or flesh of raw, undercooked, iced, pickled or smoked freshwater fish from a country from Specified List 2 of countries, at least three weeks before the clinical onset of opisthorchiasis;

Note: *Specified List 2 of countries* is defined in the Schedule 1 - Dictionary.

- (3) inability to obtain appropriate clinical management for opisthorchiasis.

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, opisthorchiasis where the person's opisthorchiasis 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:

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

opisthorchiasis—see subsection 7(2).

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.

Specified List 1 of countries means:

- (a) Cambodia;
- (b) Laos;
- (c) Myanmar (Burma);
- (d) Thailand; or
- (e) Vietnam.

Specified List 2 of countries means:

- (a) Albania;
- (b) Armenia;
- (c) Azerbaijan;
- (d) Belarus (Belorussia);
- (e) Bosnia and Herzegovina;
- (f) Bulgaria;
- (g) Cambodia;
- (h) Croatia;
- (i) Czech Republic;
- (j) Estonia;
- (k) Former Yugoslav Republic of Macedonia;
- (l) Georgia;
- (m) Germany;
- (n) Hungary;
- (o) Kazakhstan;
- (p) Kyrgyzstan (Kirgiziya);
- (q) Kosovo;
- (r) Laos;
- (s) Latvia;
- (t) Lithuania;
- (u) Moldova (Moldavia);
- (v) Montenegro;
- (w) Myanmar (Burma);

- (x) Poland;
- (y) Romania;
- (z) Russia;
- (aa) Serbia;
- (bb) Slovakia;
- (cc) Slovenia;
- (dd) Tajikistan;
- (ee) Thailand;
- (ff) Turkmenistan;
- (gg) Ukraine;
- (hh) Uzbekistan; or
- (ii) Vietnam.

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*.