Statement of Principles concerning acute lymphoblastic leukaemia No. 75 of 2012

made under subsection 196B(2) of the

Veterans' Entitlements Act 1986

Compilation No. 2

Compilation date: 18 September 2017

Includes amendments up to: Veterans' Entitlements (Statements of Principles—Cumulative Equivalent Dose) Amendment Determination 2017 (No. 58 of 2017) (F2017L01067)

The day of commencement of this Amendment Determination is 18 September 2017.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane
About this compilation

This compilation

This is a compilation of the *Statement of Principles concerning acute lymphoblastic leukaemia* No. 75 of 2012 that shows the text of the law as amended and in force on 18 September 2017.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
Statement of Principles

concerning

ACUTE LYMPHOBLASTIC LEUKAEMIA

No. 75 of 2012

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 acute lymphoblastic leukaemia No. 75 of 2012.

Determination

2. The Repatriation Medical Authority under subsection 196B(2) and (8) of the Veterans’ Entitlements Act 1986 (the VEA):

(a) revokes Instrument No. 83 of 2001 concerning acute lymphoid leukaemia; and

(b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3. (a) This Statement of Principles is about acute lymphoblastic leukaemia and death from acute lymphoblastic leukaemia.

(b) For the purposes of this Statement of Principles, "acute lymphoblastic leukaemia" means a malignant neoplasm of immature lymphocytes committed to the B-cell and/or T-cell lineage, and typically with 20 percent or more lymphoblasts in the bone marrow and an extramedullary lymphoblast mass. This definition excludes Burkitt's leukaemia/lymphoma and adult T-cell leukaemia/lymphoma.
(c) Acute lymphoblastic leukaemia attracts ICD-10-AM code C91.0.

(d) In the application of this Statement of Principles, the definition of "acute lymphoblastic leukaemia" is that given at paragraph 3(b) above.

Basis for determining the factors

4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that acute lymphoblastic leukaemia and death from acute lymphoblastic leukaemia 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 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 as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting acute lymphoblastic leukaemia or death from acute lymphoblastic leukaemia with the circumstances of a person’s relevant service is:

(a) having received a cumulative equivalent dose of at least 0.01 sievert of ionising radiation to the bone marrow at least one year before the clinical onset of acute lymphoblastic leukaemia; or

(b) being exposed to benzene as specified:

(i) for a cumulative total of at least 2500 hours within a continuous period of five years before the clinical onset of acute lymphoblastic leukaemia; and

(ii) where the first exposure in that period occurred at least five years before the clinical onset of acute lymphoblastic leukaemia; or

(ba) receiving greater than ten ppm-years of cumulative exposure to benzene before the clinical onset of acute lymphoblastic leukaemia, and where the first exposure occurred at least five years before the clinical onset of acute lymphoblastic leukaemia; or

(c) undergoing treatment for a malignant neoplasm with an alkylating agent or a DNA topoisomerase II inhibitor before the clinical onset of acute lymphoblastic leukaemia, where the first exposure occurred at
least one year before the clinical onset of acute lymphoblastic leukaemia, and where that exposure has ceased, the clinical onset of acute lymphoblastic leukaemia occurred within 20 years of cessation; or

(d) receiving a solid organ transplant from a donor with lymphoma or lymphatic leukaemia before the clinical onset of acute lymphoblastic leukaemia; or

(e) inability to obtain appropriate clinical management for acute lymphoblastic leukaemia.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(e) applies only to material contribution to, or aggravation of, acute lymphoblastic leukaemia where the person’s acute lymphoblastic leukaemia 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:

"being exposed to benzene as specified" means:

(a) having cutaneous contact with liquids containing benzene greater than 1% by volume; or

(b) ingesting liquids containing benzene greater than 1% by volume; or

(c) inhaling benzene vapour where such exposure occurs at an ambient 8-hour time-weighted average benzene concentration exceeding five parts per million;

"cumulative equivalent dose" means the total dose of ionising radiation received by the particular organ or tissue from external exposure, internal exposure or both, apart from normal background radiation exposure in Australia, calculated in accordance with the methodology set out in Guide to calculation of 'cumulative equivalent dose' for the purpose of applying ionising radiation factors contained in Statements of Principles determined under Part XIA of the Veterans' Entitlements Act 1986 (Cth), Australian Radiation Protection and Nuclear Safety Agency, as in force on 2 August 2017;
Note 1: Examples of circumstances that might lead to exposure to ionising radiation include being present during or subsequent to the testing or use of nuclear weapons, undergoing diagnostic or therapeutic medical procedures involving ionising radiation, and being a member of an aircrew, leading to increased levels of exposure to cosmic radiation.

Note 2: For the purpose of dose reconstruction, dose is calculated as an average over the mass of a specific tissue or organ. If a tissue is exposed to multiple sources of ionising radiation, the various dose estimates for each type of radiation must be combined.

"death from acute lymphoblastic leukaemia" in relation to a person includes death from a terminal event or condition that was contributed to by the person’s acute lymphoblastic leukaemia;

"8-hour time-weighted average (TWA)" means the averaging of different exposure levels to benzene during an average exposure period equivalent to eight hours;

"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), Seventh Edition, effective date of 1 July 2010, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 154 5;

"ppm-years" means parts per million multiplied by years of exposure;

"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;

"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 120A of the VEA or section 338 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 31 October 2012.
Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.
Endnotes

Endnote 2—Abbreviation key

ad = added or inserted
am = amended
amdt = amendment
c = clause(s)
C[x] = Compilation No. x
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
exp = expires/expired or ceases/ceased to have effect
F = Federal Register of Legislation
gaz = gazette
LA = Legislation Act 2003
LIA = Legislative Instruments Act 2003
(md) = misdescribed amendment can be given effect
(md not incorp) = misdescribed amendment cannot be given effect
mod = modified/modification
No. = Number(s)
o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s)/sub-subparagraph(s)
prev = previous
(prev…) = previously
Pt = Part(s)
 pres = present
reloc = relocated
renum = renumbered
rep = repealed
rs = repealed and substituted
s = section(s)/subsection(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)
underlining = whole or part not commenced or to be commenced

Statement of Principles concerning Acute Lymphoblastic Leukaemia

No. 75 of 2012
Veterans’ Entitlements Act 1986

Compilation No. 2

Compilation date: 18/09/2017

Authorised Version F2017C00747 registered 18/09/2017
## Endnote 3—Legislation history

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### Endnote 4—Amendment history

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