



Statement of Principles concerning myeloma No. 69 of 2012

made under subsection 196B(2) of the

Veterans' Entitlements Act 1986

Compilation No. 3

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 myeloma No. 69 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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

MYELOMA

No. 69 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 myeloma No. 69 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. 55 of 2003 concerning myeloma; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **myeloma** and **death from myeloma**.
 - (b) For the purposes of this Statement of Principles, "**myeloma**" means a malignant disease of plasma cells, in which a single line of plasma cells accumulates and produces a monoclonal immunoglobulin. This definition includes plasma cell leukaemia, multiple myeloma and solitary plasmacytoma of bone or extramedullary plasmacytoma, but excludes monoclonal gammopathy of undetermined significance.
 - (c) Myeloma attracts ICD-10-AM code C90.
 - (d) In the application of this Statement of Principles, the definition of "**myeloma**" 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 **myeloma** and **death from myeloma** 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 **myeloma** or **death from myeloma** with the circumstances of a person's relevant service is:
- (a) having received a cumulative equivalent dose of at least 0.1 sievert of ionising radiation to the bone marrow at least five years before the clinical onset of myeloma; or
 - (b) working as a painter for a cumulative period of at least 5000 hours before the clinical onset of myeloma, where the first exposure occurred at least ten years before the clinical onset of myeloma, and where exposure has ceased, the clinical onset of myeloma occurred within 30 years of cessation; or
 - (c) inhaling, ingesting or having cutaneous contact with a phenoxy acid herbicide from the specified list, for a cumulative period of at least 1000 hours, within a consecutive period of ten years before the clinical onset of myeloma, where the first exposure occurred at least five years before the clinical onset of myeloma; or
 - (d) inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD), for a cumulative period of at least 1000 hours, within a consecutive period of ten years before the clinical onset of myeloma, where the first exposure occurred at least five years before the clinical onset of myeloma; or
 - (da) having exposure to 2,3,7,8 tetrachlorodibenzo-para-dioxin (TCDD) sufficient to produce an expected initial serum TCDD level of at least 1 500 parts per trillion before the clinical onset of myeloma; or
 - (e) being:
 - (i) on land in Vietnam; or

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- (ii) at sea in Vietnamese waters; or
 - (iii) on board a vessel and consuming potable water supplied on that vessel, when the water supply had been produced by evaporative distillation of estuarine Vietnamese waters;
- for a cumulative period of at least 30 days, at least five years before the clinical onset of myeloma; or
- (f) being infected with human immunodeficiency virus at the time of the clinical onset of myeloma; or
 - (g) having received a solid organ transplant before the clinical onset of myeloma; or
 - (h) being exposed to benzene as specified:
 - (i) for a cumulative total of at least 2 500 hours within a continuous period of five years before the clinical onset of myeloma; and
 - (ii) where the first exposure in that period occurred at least five years before the clinical onset of myeloma; or
 - (ha) receiving greater than ten ppm-years of cumulative exposure to benzene before the clinical onset of myeloma, and where the first exposure occurred at least five years before the clinical onset of myeloma;
 - (i) being obese for a continuous period of at least five years within the ten years before the clinical onset of myeloma; or
 - (j) inability to obtain appropriate clinical management for myeloma.

Factors that apply only to material contribution or aggravation

7. Paragraph **6(j)** applies only to material contribution to, or aggravation of, myeloma where the person's myeloma 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 phenoxy acid herbicide from the specified list" means:

- (a) 2,4-dichlorophenoxyacetic acid (2,4-D); or
- (b) 2,4,5-trichlorophenoxyacetic acid (2,4,5-T);

"being:

- (i) **on land in Vietnam; or**
- (ii) **at sea in Vietnamese waters;"** means service in at least one of the areas and at the times described in Items 4 and 8 of Schedule 2 of the *Veterans' Entitlements Act 1986*;

"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;

"being obese" means an increase in body weight by way of fat accumulation which results in a Body Mass Index (BMI) of 30 or greater.

The $BMI = W/H^2$ and where:

W is the person's weight in kilograms; and

H is the person's height in metres;

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

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

"estuarine Vietnamese waters" means at least one of the waterways or harbours in the relevant areas described in Items 4 and 8 of Schedule 2 of the *Veterans' Entitlements Act 1986*;

"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;

"inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD)" means:

- (a) decanting or spraying;
- (b) cleaning or maintaining equipment used to apply;
- (c) being sprayed with;
- (d) handling or sawing timber treated with;
- (e) being in an environment shrouded in dust from timber treated with; or
- (f) using cutting oils contaminated with;

one of the following chemicals:

- (i) 2,4,5-trichlorophenoxyacetic acid;
- (ii) 2,4,5-trichlorophenoxypropionic acid;
- (iii) 2,4,5-trichlorophenol;
- (iv) 2-(2,4,5-trichlorophenoxy)-ethyl 2,2-dichloropropionate;
- (v) o,o-dimethyl-o-(2,4,5-trichlorophenyl)-phosphorothioate;
- (vi) pentachlorophenol;
- (vii) 2,3,4,6-tetrachlorophenol;
- (viii) 2,4,6-trichlorophenol;
- (ix) 1,3,4-trichloro-2-(4-nitrophenoxy)benzene;
- (x) 2,4-dichloro-1-(4-nitrophenoxy)benzene; or
- (xi) 2,4-dichloro-1-(3-methoxy-4-nitrophenoxy)-benzene;

"potable water" means water used for drinking water, food preparation and beverage production;

"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;

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- (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;

"working as a painter" means applying paints, including solvent- or water-based conventional paints, spray paints, varnishes, enamels, lacquers, water-emulsion and solution finishes, nonaqueous dispersions or organosols, plastisols, and powder coatings, during the course of activities such as building, maintenance and construction, interior and exterior decoration, artistic painting, and wood and metal painting. This definition includes mixed activities in which application of paints occurs with other tasks such as wallpapering and plastering. This definition includes activities that are preparatory to painting, such as mixing paints, maintaining painting equipment, and background preparation of surfaces for application of paint.

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.

Endnote 2—Abbreviation key

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

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Statement of Principles concerning myeloma No. 69 of 2012</i>	22 October 2012 F2012L02081	31 October 2012	
<i>Amendment Statement of Principles concerning myeloma No. 72 of 2014</i>	2 July 2014 F2014L00936	13 May 2014	
<i>Amendment Statement of Principles concerning myeloma No. 39 of 2016</i>	8 March 2016 F2016L00277	4 April 2016	
<i>Veterans' Entitlements (Statements of Principles—Cumulative Equivalent Dose) Amendment Determination 2017 (No. 58 of 2017)</i>	22 August 2017 F2017L01067	18 September 2017	

Endnote 4—Amendment history

Provision affected	How affected
Clause 6 (da).....	ad. No. 72 of 2014
Clause 6 (h).....	rs. No. 39 of 2016
Clause 6 (ha).....	ad. No. 39 of 2016
Clause 9 – "being exposed to benzene as specified".....'	rs. No. 39 of 2016
Clause 9 – "ppm-years"'	ad. No. 39 of 2016
Clause 9 – "cumulative equivalent dose".....'	rs. Instrument No. 58 of 2017