



Statement of Principles concerning acute myeloid leukaemia (No. 71 of 2015)

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 myeloid leukaemia (No. 71 of 2015)* 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
ACUTE MYELOID LEUKAEMIA
(No. 71 of 2015)

The Repatriation Medical Authority determines the following Statement of Principles.

Dated 19 June 2015

Statement of Principles concerning
Acute Myeloid Leukaemia (No. 71 of 2015)
Veterans' Entitlements Act 1986

1

Contents

1	Name	3
2	Commencement	3
3	Authority	3
4	Revocation	3
5	Application.....	3
6	Definitions.....	3
7	Kind of injury, disease or death to which this Statement of Principles relates	3
8	Basis for determining the factors	4
9	Factors that must exist.....	4
10	Relationship to service	6
11	Factors referring to an injury or disease covered by another Statement of Principles.....	6
Schedule 1 - Dictionary		7
1	Definitions.....	7

1 Name

This is the Statement of Principles concerning **acute myeloid leukaemia** (No. 71 of 2015).

2 Commencement

This instrument commences on **20 July 2015**.

3 Authority

This instrument is made under subsection 196B(2) of the *Veterans' Entitlements Act 1986*.

4 Revocation

The Statement of Principles concerning acute myeloid leukaemia No. 35 of 2006, as amended, made under subsections 196B(2) and (8) of the VEA is revoked.

5 Application

This instrument applies to a claim to which section 120A of the VEA or section 338 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 acute myeloid leukaemia and death from acute myeloid leukaemia.

Meaning of acute myeloid leukaemia

- (2) For the purposes of this Statement of Principles, acute myeloid leukaemia:
- (a) means a malignant neoplasm of immature cells committed to the myeloid cell lineage, and typically with 20 percent or more myeloblasts in bone marrow or peripheral blood; and
 - (b) includes acute myeloblastic leukaemia, acute promyelocytic leukaemia, acute myelomonocytic leukaemia, acute monoblastic and monocytic leukaemia, acute erythroid leukaemia, acute

megakaryoblastic leukaemia, acute basophilic leukaemia, acute pancytopenia with myelofibrosis, and myeloid sarcoma.

Death from acute myeloid leukaemia

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

Note: *terminal event* is defined in the Schedule 1 – Dictionary.

8 Basis for determining the factors

The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that acute myeloid leukaemia and death from acute myeloid 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 MRCA.

Note: *relevant service* is defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting acute myeloid leukaemia or death from acute myeloid leukaemia with the circumstances of a person's relevant service:

- (1) smoking at least ten pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of acute myeloid leukaemia, and:
- (a) smoking commenced at least five years before the clinical onset of acute myeloid leukaemia; and
 - (b) where smoking has ceased, the clinical onset of acute myeloid leukaemia has occurred within 15 years of cessation;

Note: *pack-years of cigarettes, or the equivalent thereof in other tobacco products* is defined in the Schedule 1 - Dictionary.

- (2) having a specified haematological disorder at the time of the clinical onset of acute myeloid leukaemia;

Note: *specified haematological disorder* is defined in the Schedule 1 - Dictionary.

- (3) undergoing a course of treatment with a drug or a drug from a class of drugs from the specified list of drugs before the clinical onset of acute myeloid leukaemia, where the first exposure occurred at least six months before the clinical onset of acute myeloid leukaemia, and

where that therapy has ceased, the clinical onset of acute myeloid leukaemia occurred within 20 years of cessation;

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

- (4) 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 myeloid leukaemia;

Note: *cumulative equivalent dose* is defined in the Schedule 1 - Dictionary.

- (5) undergoing treatment with radioactive iodine for cancer before the clinical onset of acute myeloid leukaemia, where the first exposure occurred at least one year before the clinical onset of acute myeloid leukaemia;

- (6) undergoing treatment with radioactive phosphorus for a myeloproliferative neoplasm before the clinical onset of acute myeloid leukaemia, where the first exposure occurred at least one year before the clinical onset of acute myeloid leukaemia;

- (7) being exposed to benzene as specified:

- (a) for a cumulative total of at least 1 250 hours within a continuous period of five years before the clinical onset of acute myeloid leukaemia; and
(b) where the first exposure in that period occurred at least five years before the clinical onset of acute myeloid leukaemia;

Note: *being exposed to benzene as specified* is defined in the Schedule 1 - Dictionary.

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

Note: *ppm-years* is defined in the Schedule 1 - Dictionary.

- (9) being obese for at least five years within the 20 years before the clinical onset of acute myeloid leukaemia;

Note: *being obese* is defined in the Schedule 1 - Dictionary.

- (10) having received a solid organ transplant before the clinical onset of acute myeloid leukaemia;

- (11) being infected with human immunodeficiency virus before the clinical onset of acute myeloid leukaemia;

-
- (12) inhaling formaldehyde at a level of at least one part per million:
- (a) for a cumulative total of at least 5 000 hours within a continuous period of ten years before the clinical onset of acute myeloid leukaemia; and
 - (b) where the first exposure in that period occurred at least five years before the clinical onset of acute myeloid leukaemia;
- (13) having a disease from the specified list of autoimmune diseases before the clinical onset of acute myeloid leukaemia;
- Note: *specified list of autoimmune diseases* is defined in the Schedule 1 - Dictionary.
- (14) inability to obtain appropriate clinical management for acute myeloid leukaemia.

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(14) applies only to material contribution to, or aggravation of, acute myeloid leukaemia where the person's acute myeloid leukaemia 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(2) 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:

acute myeloid leukaemia—see subsection 7(2).

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.

Note: ***8-hour time-weighted average*** is also defined in the Schedule 1 - Dictionary.

being obese means having 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.

8-hour time-weighted average means the averaging of different exposure levels to benzene during an average exposure period equivalent to eight hours.

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

myelodysplastic/myeloproliferative neoplasm means a myeloid neoplasm with clinical, laboratory and morphologic features that overlap myelodysplastic disorder and myeloproliferative neoplasm. This subgroup includes chronic myelomonocytic leukaemia, atypical chronic myeloid leukaemia, juvenile myelomonocytic leukaemia and myelodysplastic/myeloproliferative neoplasm unclassifiable.

pack-years of cigarettes, or the equivalent thereof in other tobacco products means a calculation of consumption where one pack-year of cigarettes equals twenty tailor-made cigarettes per day for a period of one calendar year or 7 300 cigarettes. One tailor-made cigarette approximates one gram of tobacco or one gram of cigar or pipe tobacco by weight. One pack-year of tailor-made cigarettes equates to 7.3 kilograms of smoking tobacco by weight. Tobacco products mean either cigarettes, pipe tobacco or cigars, smoked alone or in any combination.

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.

specified haematological disorder means:

- (a) a myelodysplastic/myeloproliferative neoplasm;
- (b) aplastic anaemia; or
- (c) myelodysplastic syndrome.

Note: **myelodysplastic/myeloproliferative neoplasm** is also defined in the Schedule 1 - Dictionary.

specified list of autoimmune diseases means:

- (a) autoimmune haemolytic anaemia;
- (b) giant cell arteritis;
- (c) pernicious anaemia;
- (d) polymyalgia rheumatica;
- (e) rheumatoid arthritis;
- (f) sarcoidosis;

- (g) systemic lupus erythematosus;
- (h) systemic vasculitis; or
- (i) ulcerative colitis.

specified list of drugs means:

- (a) a topoisomerase II inhibitor;
- (b) an alkylating agent; or
- (c) azathioprine.

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*.

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 myeloid leukaemia (No. 71 of 2015)</i>	24 June 2015 F2015L00903	20 July 2015	
<i>Amendment Statement of Principles concerning myeloid leukaemia (Reasonable Hypothesis) (No. 33 of 2016)</i>	8 March 2016 F2016L00250	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 9(7).....	rs. No. 33 of 2016
Schedule 1 – Dictionary - ' "being exposed to benzene as specified".....'	rs. No. 33 of 2016
Schedule 1 – Dictionary - ' "cumulative equivalent dose".....'	rs. No. 58 of 2017