

Statement of Principles concerning

CHRONIC LYMPHOCYTIC LEUKAEMIA/SMALL LYMPHOCYTIC LYMPHOMA

No. 84 of 2014

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 chronic lymphocytic leukaemia/small lymphocytic lymphoma No. 84 of 2014.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 9 of 2005, as amended by Instrument No. 28 of 2014, concerning chronic lymphoid leukaemia; and
 - (b) determines in their place this Statement of Principles.

Kind of injury, disease or death

3. (a) This Statement of Principles is about **chronic lymphocytic leukaemia/small lymphocytic lymphoma** and **death from chronic lymphocytic leukaemia/small lymphocytic lymphoma**.
(b) For the purposes of this Statement of Principles, "**chronic lymphocytic leukaemia/small lymphocytic lymphoma**" means a malignant lymphoproliferative disorder, characterised by the progressive accumulation of small, morphologically mature, but

functionally incompetent monoclonal B lymphocytes in the lymph nodes, bone marrow and peripheral blood, admixed with prolymphocytes and paraimmunoblasts (pseudofollicles), usually expressing CD5 and CD23, and that persists for at least three months. It can present as either a leukaemia or a lymphoma. Clinical manifestations may include lymphadenopathy, organomegaly or signs of bone marrow failure.

This definition includes hairy cell leukaemia and B cell prolymphocytic leukaemia. This definition excludes other B cell lymphoproliferative disorders, adult T cell lymphoma/leukaemia, T cell prolymphocytic leukaemias, and non-Hodgkin's lymphoma other than small lymphocytic lymphoma.

Basis for determining the factors

4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **chronic lymphocytic leukaemia/small lymphocytic lymphoma** and **death from chronic lymphocytic leukaemia/small lymphocytic lymphoma** 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 **chronic lymphocytic leukaemia/small lymphocytic lymphoma** or **death from chronic lymphocytic leukaemia/small lymphocytic lymphoma** with the circumstances of a person's relevant service is:
 - (a) being exposed to benzene:
 - (i) for a cumulative total of at least 2 500 hours within a continuous period of ten years before the clinical onset of chronic lymphocytic leukaemia/small lymphocytic lymphoma; and
 - (ii) where the first exposure in that period occurred at least five years before the clinical onset of chronic lymphocytic leukaemia/small lymphocytic lymphoma; and
 - (iii) where the last exposure in that period occurred within the 25 years before the clinical onset of chronic lymphocytic leukaemia/small lymphocytic lymphoma; or
 - (b) having chronic hepatitis C virus infection at the time of the clinical onset of chronic lymphocytic leukaemia/small lymphocytic lymphoma; or

(c) inability to obtain appropriate clinical management for chronic lymphocytic leukaemia/small lymphocytic lymphoma.

Factors that apply only to material contribution or aggravation

7. Paragraph **6(c)** applies only to material contribution to, or aggravation of, chronic lymphocytic leukaemia/small lymphocytic lymphoma where the person's chronic lymphocytic leukaemia/small lymphocytic lymphoma 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" means:

- (a) having cutaneous contact with liquids containing benzene greater than 5% by volume;
- (b) ingesting liquids containing benzene greater than 5% 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;

"death from chronic lymphocytic leukaemia/small lymphocytic lymphoma" in relation to a person includes death from a terminal event or condition that was contributed to by the person's chronic lymphocytic leukaemia/small lymphocytic lymphoma;

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

"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 22 September 2014.

Dated this *twenty-second* day of *August* 2014

The Common Seal of the)
Repatriation Medical Authority)
was affixed at the direction of:)



PROFESSOR NICHOLAS SAUNDERS AO
CHAIRPERSON