



# **Statement of Principles concerning acute lymphoblastic leukaemia/lymphoblastic lymphoma (Reasonable Hypothesis) (No. 33 of 2021)**

made under subsection 196B(2) of the

*Veterans' Entitlements Act 1986*

## **Compilation No. 1**

**Compilation date:** 30 May 2022

**Includes amendments up to:** Amendment Statement of Principles concerning acute lymphoblastic leukaemia/lymphoblastic lymphoma (Reasonable Hypothesis) (No. 59 of 2022) (F2022L00659)

The day of commencement of this Amendment Statement of Principles concerning acute lymphoblastic leukaemia/lymphoblastic lymphoma is 30 May 2022.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

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## About this compilation

### This compilation

This is a compilation of the *Statement of Principles concerning acute lymphoblastic leukaemia/lymphoblastic lymphoma (Reasonable Hypothesis) (No. 33 of 2021)* that shows the text of the law as amended and in force on 30 May 2022.

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](http://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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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**1 Name**

This is the Statement of Principles concerning acute lymphoblastic leukaemia/lymphoblastic lymphoma (Reasonable Hypothesis) (No. 33 of 2021).

**3 Authority**

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

**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 lymphoblastic leukaemia/lymphoblastic lymphoma and death from acute lymphoblastic leukaemia/lymphoblastic lymphoma.

*Meaning of acute lymphoblastic leukaemia/lymphoblastic lymphoma*

- (2) For the purposes of this Statement of Principles, acute lymphoblastic leukaemia/lymphoblastic lymphoma:
- (a) means a malignant neoplasm characterised by the clonal proliferation of morphologically immature, non-functioning lymphoid cells of B- or T-cell origin, which can present clinically as either a leukaemia or a lymphoma; and
  - (b) excludes:
    - (i) Burkitt leukaemia/lymphoma;
    - (ii) adult T-cell leukaemia/lymphoma;
    - (iii) acute undifferentiated leukaemia; and
    - (iv) indolent T-lymphoblastic proliferation.

Note: Acute lymphoblastic lymphoma and lymphoblastic leukaemia are considered to be tumours of the same lymphoid cell type, and are considered to be a single disease entity with two clinical presentations.

*Death from acute lymphoblastic leukaemia/lymphoblastic lymphoma*

- (3) For the purposes of this Statement of Principles, acute lymphoblastic leukaemia/lymphoblastic lymphoma, in relation to a person, includes

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death from a terminal event or condition that was contributed to by the person's acute lymphoblastic leukaemia/lymphoblastic lymphoma.

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 lymphoblastic leukaemia/lymphoblastic lymphoma and death from acute lymphoblastic leukaemia/lymphoblastic 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 MRCA.

Note: *MRCA*, *relevant service* and *VEA* are 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 lymphoblastic leukaemia/lymphoblastic lymphoma or death from acute lymphoblastic leukaemia/lymphoblastic lymphoma with the circumstances of a person's relevant service:

- (1) 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/lymphoblastic lymphoma;

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

- (2) taking an alkylating agent or a DNA topoisomerase II inhibitor for the treatment of a malignant neoplasm before the clinical onset of acute lymphoblastic leukaemia/lymphoblastic lymphoma, and:
  - (a) the first exposure occurred at least one year before the clinical onset of acute lymphoblastic leukaemia/lymphoblastic lymphoma; and
  - (b) if exposure ceased before the clinical onset of acute lymphoblastic leukaemia/lymphoblastic lymphoma, then that onset occurred within 20 years of cessation;
- (3) undergoing organ or tissue transplantation, excluding corneal transplant, before the clinical onset of acute lymphoblastic leukaemia/lymphoblastic lymphoma;

Note: *organ or tissue transplantation* is defined in the Schedule 1 - Dictionary.

- (4) being exposed to benzene as specified:
  - (a) for a cumulative total of at least 2,500 hours within a continuous period of five years before the clinical onset of acute lymphoblastic leukaemia/lymphoblastic lymphoma; and

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- (b) where the first exposure in that period occurred at least five years before the clinical onset of acute lymphoblastic leukaemia/lymphoblastic lymphoma;

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

- (5) being exposed to benzene:
    - (a) in an amount greater than ten ppm-years of cumulative exposure before the clinical onset of acute lymphoblastic leukaemia/lymphoblastic lymphoma; and
    - (b) where the first exposure occurred at least five years before the clinical onset of acute lymphoblastic leukaemia/lymphoblastic lymphoma;
- Note: *ppm-years* is defined in the Schedule 1 - Dictionary.
- (6) inability to obtain appropriate clinical management for acute lymphoblastic leukaemia/lymphoblastic lymphoma.

## **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(6) applies only to material contribution to, or aggravation of, acute lymphoblastic leukaemia/lymphoblastic lymphoma where the person's acute lymphoblastic leukaemia/lymphoblastic lymphoma 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:

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

**acute lymphoblastic leukaemia/lymphoblastic lymphoma**—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.

**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.

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

**organ or tissue transplantation** means:

- (a) the transplantation of all or part of an organ or tissue; or
- (b) the transplantation of a substance obtained from an organ or tissue.

**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.

Note: *MRCA* and *VEA* are also defined in the Schedule 1 - Dictionary.

***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**

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
<i>Statement of Principles concerning acute lymphoblastic leukaemia/lymphoblastic lymphoma (Reasonable Hypothesis) (No. 33 of 2021)</i>	9 March 2021 F2021L00215	5 April 2021	
<i>Amendment Statement of Principles concerning acute lymphoblastic leukaemia/lymphoblastic lymphoma (Reasonable Hypothesis) (No. 59 of 2022)</i>	2 May 2022 F2022L00659	30 May 2022	

*Statement of Principles concerning  
Acute Lymphoblastic Leukaemia/Lymphoblastic Lymphoma (Reasonable Hypothesis) (No. 33 of 2021)  
Veterans' Entitlements Act 1986*

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**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
Section 2.....	rep LA s 48D
Section 4.....	rep LA s 48C
Schedule 1 – Dictionary – 8-hour time-weighted average.....	ad No. 59 of 2022