

Revocation and Determination

of

Statement of Principles concerning

ASBESTOSIS

ICD CODE: 501

Veterans' Entitlements Act 1986

1. The Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the Act):
 - (a) revokes Instrument No.12 of 1996; and
 - (b) determines the following Statement of Principles.

Kind of injury, disease or death

2. (a) This Statement of Principles is about **asbestosis** and **death from asbestosis**.

(b) For the purposes of this Statement of Principles, "**asbestosis**" means a specific form of lung disease caused by inhaling asbestos fibres, marked by interstitial fibrosis of the lung, attracting ICD code 501.

Basis for determining the factors

3. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **asbestosis and death from asbestosis** can be related to relevant service rendered by veterans or members of the Forces.

Factors that must be related to service

4. Subject to clause 6, the factors set out in at least one of the paragraphs in clause 5 must be related to any relevant service rendered by the person.

Factors

5. The factors that must exist before it can be said that, on the balance of probabilities, **asbestosis** or **death from asbestosis** is connected with the circumstances of a person's relevant service are:

(a) being regularly exposed to respirable asbestos fibres for a period or periods of time totalling at least 365 days, in an enclosed area when such fibres were being:

- (i) applied; or
- (ii) removed; or
- (iii) dislodged; or
- (iv) cut; or
- (v) drilled,

and where the first day of exposure occurred at least five years before the clinical onset of asbestosis; or

(b) inability to obtain appropriate clinical management for asbestosis.

Factors that apply only to material contribution or aggravation

6. Paragraph 5(b) applies only to material contribution to, or aggravation of, asbestosis where the person's asbestosis was suffered or contracted before or during (but not arising out of) the person's relevant service; paragraph 8(1)(e), 9(1)(e) or 70(5)(d) of the Act refers.

Other definitions

7. For the purposes of this Statement of Principles:

“an enclosed area” means a substantially enclosed space, for example, the interior of a building, ship or aircraft, a covered workshop or a factory;

“exposed to respirable asbestos fibres” means being in an environment within which asbestos particles become airborne and are able to be breathed into the lungs;

“ICD code” means a number assigned to a particular kind of injury or disease in the Australian Version of The International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM), effective date of 1 July 1996, copyrighted by the National Coding Centre, Faculty of Health Sciences, University of Sydney, NSW, and having ISBN 0 642 24447 2;

“relevant service” means:

- (a) eligible war service (other than operational service); or
- (b) defence service (other than hazardous service).

Application

8. This Instrument applies to all matters to which section 120B of the Act applies.

Dated this *Twenty-sixth* day of *September*
1996

The Common Seal of the)
Repatriation Medical Authority)
was affixed to this instrument)
in the presence of:)

KEN DONALD
CHAIRMAN