

Statement of Principles
concerning

THROMBOANGIITIS OBLITERANS

No. 8 of 2009

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 thromboangiitis obliterans No. 8 of 2009.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 74 of 1995 concerning Buerger's disease (thromboangiitis obliterans); and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **thromboangiitis obliterans** and **death from thromboangiitis obliterans**.
 - (b) For the purposes of this Statement of Principles, "**thromboangiitis obliterans**" means a nonatherosclerotic, segmental, inflammatory, occlusive vascular disease affecting the small and medium-sized arteries and veins. Thromboangiitis obliterans is also known as Buerger's disease.
 - (c) Thromboangiitis obliterans attracts ICD-10-AM code I73.1.
 - (d) In the application of this Statement of Principles, the definition of "**thromboangiitis obliterans**" is that given at paragraph 3(b) above.

Basis for determining the factors

4. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **thromboangiitis obliterans** and **death from thromboangiitis obliterans** can be related to relevant service rendered by veterans 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 exist before it can be said that, on the balance of probabilities, **thromboangiitis obliterans** or **death from thromboangiitis obliterans** is connected with the circumstances of a person's relevant service is:
 - (a) smoking at least three pack years of cigarettes, or the equivalent thereof in other tobacco products, within the three years before the clinical onset of thromboangiitis obliterans; or
 - (b) smoking at least half a pack year of cigarettes, or the equivalent thereof in other tobacco products, within the one year before the clinical worsening of thromboangiitis obliterans; or
 - (c) inability to obtain appropriate clinical management for thromboangiitis obliterans.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(b) to 6(c)** apply only to material contribution to, or aggravation of, thromboangiitis obliterans where the person's thromboangiitis obliterans 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:

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

"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), Sixth Edition, effective date of 1 July 2008, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 016 6;

"pack year 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 7300 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 7300 cigarettes, or 7.3 kg of smoking tobacco by weight. Tobacco products means either cigarettes, pipe tobacco or cigars smoked, alone or in any combination;

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"relevant service" means:

- (a) eligible war service (other than operational service) under the VEA; or
- (b) defence service (other than hazardous service) under the VEA; or
- (c) peacetime 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 120B of the VEA or section 339 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 14 January 2009.

Dated this *nineteenth* day of *December* 2008

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

KEN DONALD
CHAIRPERSON