



Australian Government
Repatriation Medical Authority

Statement of Principles concerning

CHLORACNE

No. 18 of 2012

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 chloracne No. 18 of 2012.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 20 of 2000 concerning chloracne; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3. (a) This Statement of Principles is about **chloracne** and **death from chloracne**.
 - (b) For the purposes of this Statement of Principles, "**chloracne**" means a chronic skin disease characterised clinically by an acne-like eruption of comedones and cysts on the face and neck that sometimes spreads to the trunk and other body sites, and with histological evidence of loss of sebaceous glands and hyperpigmented stratum corneum, in people who have been exposed to polyhalogenated aromatic compounds.

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 **chloracne** and **death from chloracne** 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, **chloracne** or **death from chloracne** is connected with the circumstances of a person's relevant service is:
- (a) inhaling, ingesting or having cutaneous contact with a polyhalogenated aromatic hydrocarbon from the specified list, or a chemical mixture containing a polyhalogenated aromatic hydrocarbon from the specified list, within the six weeks before the clinical onset of chloracne; or
 - (b) inhaling, ingesting or having cutaneous contact with a polychlorodibenzofuran (PCDF) from the specified list, within the six weeks before the clinical onset of chloracne; or
 - (c) inhaling, ingesting or having cutaneous contact with a polychlorodibenzo-para-dioxin (PCDD) from the specified list, within the six weeks before the clinical onset of chloracne; or
 - (d) inhaling, ingesting or having cutaneous contact with a specified chemical agent, during the manufacture of which 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD), another polychlorodibenzo-para-dioxin (PCDD) or a polychlorodibenzofuran (PCDF) is generated, within the six weeks before the clinical onset of chloracne; or
 - (e) inhaling, ingesting or having cutaneous contact with a polyhalogenated aromatic hydrocarbon from the specified list, or a chemical mixture containing a polyhalogenated aromatic hydrocarbon from the specified list, within the six weeks before the clinical worsening of chloracne; or
 - (f) inhaling, ingesting or having cutaneous contact with a polychlorodibenzofuran (PCDF) from the specified list, within the six weeks before the clinical worsening of chloracne; or
 - (g) inhaling, ingesting or having cutaneous contact with a polychlorodibenzo-para-dioxin (PCDD) from the specified list, within the six weeks before the clinical worsening of chloracne; or
 - (h) inhaling, ingesting or having cutaneous contact with a specified chemical agent, during the manufacture of which 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD), another polychlorodibenzo-para-dioxin (PCDD) or a polychlorodibenzofuran (PCDF) is generated, within the six weeks before the clinical worsening of chloracne; or
 - (i) inability to obtain appropriate clinical management for chloracne.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(e) to 6(i)** apply only to material contribution to, or aggravation of, chloracne where the person's chloracne 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:

"a polychlorodibenzofuran (PCDF) from the specified list" means:

- (a) 2,3,7,8-tetrachlorodibenzofuran (TCDF);
- (b) pentachlorodibenzofurans (PeCDFs);
- (c) hexachlorodibenzofurans (HxCDFs);
- (d) heptachlorodibenzofurans (HpCDFs); or
- (e) octachlorodibenzofurans (OCDFs);

"a polychlorodibenzo-para-dioxin (PCDD) from the specified list" means:

- (a) 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD);
- (b) 1,2,3,7,8-pentachlorodibenzo-para-dioxin (PeCDD);
- (c) hexachlorodibenzo-para-dioxin (HxCDD);
- (d) 1,2,3,4,6,7,8-heptachlorodibenzo-para-dioxin (HpCDD); or
- (e) octachlorodibenzo-para-dioxin (OCDD);

"a polyhalogenated aromatic hydrocarbon from the specified list" means:

- (a) azobenzenes, including 3,3',4,4'-tetrachloroazobenzene;
- (b) azoxybenzenes, including 3,4,3',4'-tetrachloroazoxybenzene;
- (c) mono-ortho-substituted PCB congeners 105, 114, 118, 123, 156, 157, 167 or 189;
- (d) non-ortho-substituted PCB congeners 77, 81, 126, or 169;
- (e) o-dichlorobenzene;
- (f) polybrominated biphenyls (PBBs);
- (g) polybromodibenzofurans, including tetrabromodibenzofuran;
- (h) polychlorinated naphthalenes, including pentachloronaphthalene (Halowax 1013) and hexachloronaphthalene (HCN);
- (i) polychromonaphthalenes; or
- (j) triazoloquinoxalines;

"a specified chemical agent" means one of the following chemicals:

- (a) 2,4,5-trichlorophenoxyacetic acid;
- (b) 2,4,5-trichlorophenoxypropionic acid;
- (c) 2,4,5-trichlorophenol;
- (d) 2-(2,4,5-trichlorophenoxy)-ethyl 2,2-dichloropropionate;

- (e) o,o-dimethyl-o-(2,4,5-trichlorophenyl)-phosphorothioate;
- (f) pentachlorophenol;
- (g) 2,3,4,6-tetrachlorophenol;
- (h) 2,4,6-trichlorophenol;
- (i) 1,3,4-trichloro-2-(4-nitrophenoxy)-benzene;
- (j) 2,4-dichloro-1-(4-nitrophenoxy)-benzene; or
- (k) 2,4-dichloro-1-(3-methoxy-4-nitrophenoxy)-benzene;

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

"inhaling, ingesting or having cutaneous contact with" means:

- (a) being in an environment shrouded in dust from timber treated with;
- (b) being sprayed with;
- (c) cleaning or maintaining equipment used to apply;
- (d) decanting or spraying;
- (e) handling or sawing timber treated with; or
- (f) using cutting oils contaminated with;

"relevant service" means:

- (a) eligible war service (other than operational service) under the VEA;
- (b) defence service (other than hazardous service and British nuclear test defence 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 7 March 2012.

Dated this *twenty-fourth* day of *February* 2012

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

KEN DONALD
 CHAIRPERSON