



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
THROMBOANGIITIS OBLITERANS
(Reasonable Hypothesis)
(No. 28 of 2017)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(2) of the *Veterans' Entitlements Act 1986*.

Dated 21 April 2017

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

A handwritten signature in black ink, appearing to read 'N. Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *thromboangiitis obliterans (Reasonable Hypothesis)* (No. 28 of 2017).

2 Commencement

This instrument commences on 22 May 2017.

3 Authority

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

4 Revocation

The Statement of Principles concerning thromboangiitis obliterans No. 7 of 2009 made under subsection 196B(2) of the VEA is revoked.

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 thromboangiitis obliterans and death from thromboangiitis obliterans.

Meaning of thromboangiitis obliterans

- (2) 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.

Note: Thromboangiitis obliterans is also known as Buerger's disease.

- (3) While thromboangiitis obliterans attracts ICD-10-AM code I73.1, in applying this Statement of Principles the meaning of thromboangiitis obliterans is that given in subsection (2).
- (4) For subsection (3), a reference to an ICD-10-AM code is a reference to the code assigned to a particular kind of injury or disease in *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification* (ICD-10-AM),

Death from thromboangiitis obliterans

- (5) For the purposes of this Statement of Principles, 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.

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 thromboangiitis obliterans and death from thromboangiitis obliterans 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: *relevant service* is 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 thromboangiitis obliterans or death from thromboangiitis obliterans with the circumstances of a person's relevant service:

- (1) smoking at least three pack-years of cigarettes, or the equivalent thereof in other tobacco products, within the six years before the clinical onset of thromboangiitis obliterans;

Note: *pack-year of cigarettes, or the equivalent thereof in other tobacco products* is defined in the Schedule 1 - Dictionary.

- (2) being exposed to second-hand smoke for at least 3 000 hours within the six years before the clinical onset of thromboangiitis obliterans;

Note: *being exposed to second-hand smoke* is defined in the Schedule 1 - Dictionary.

- (3) the oral use of smokeless tobacco on more days than not, for at least three years within the six years before the clinical onset of thromboangiitis obliterans;

Note: *smokeless tobacco* is defined in the Schedule 1 - Dictionary.

- (4) 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;

Note: *pack-year of cigarettes, or the equivalent thereof in other tobacco products* is defined in the Schedule 1 - Dictionary.

- (5) being exposed to second-hand smoke for at least 500 hours within the one year before the clinical worsening of thromboangiitis obliterans;

Note: *being exposed to second-hand smoke* is defined in the Schedule 1 - Dictionary.

- (6) the oral use of smokeless tobacco on more days than not, for at least six months within the one year before the clinical worsening of thromboangiitis obliterans;

Note: *smokeless tobacco* is defined in the Schedule 1 - Dictionary.

- (7) inability to obtain appropriate clinical management for thromboangiitis obliterans.

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 factors set out in subsections 9(4) to 9(7) 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 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:

being exposed to second-hand smoke means being in an enclosed space and inhaling smoke from burning tobacco products or smoke that has been exhaled by a person who is smoking.

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

pack-year of cigarettes, or the equivalent thereof in other tobacco products means a calculation of consumption where one pack-year of cigarettes equals 20 tailor-made cigarettes per day for a period of one calendar year, or 7 300 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 7.3 kilograms of smoking tobacco by weight. Tobacco products mean cigarettes, pipe tobacco or cigars, smoked alone or in any combination.

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.

smokeless tobacco means tobacco products without combustion or pyrolysis at the time of use, including chewing tobacco and tobacco snuff.

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.

thromboangiitis obliterans—see subsection 7(2).

VEA means the *Veterans' Entitlements Act 1986*.