



Australian Government  
Repatriation Medical Authority

Statement of Principles  
concerning

# MALIGNANT NEOPLASM OF THE ANUS AND ANAL CANAL

## No. 52 of 2013

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 malignant neoplasm of the anus and anal canal No. 52 of 2013.

### Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
  - (a) revokes Instrument No. 35 of 2002 concerning malignant neoplasm of the anal canal; and
  - (b) determines in its place this Statement of Principles.

### Kind of injury, disease or death

3.
  - (a) This Statement of Principles is about **malignant neoplasm of the anus and anal canal** and **death from malignant neoplasm of the anus and anal canal**.
  - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the anus and anal canal**" means a primary invasive carcinoma or carcinoma in situ arising in the mucosa of the anus or anal canal. Anatomically, the anus and anal canal is defined as extending from the anal verge to the rectal mucosa. This definition

includes squamous cell cancer and adenocarcinoma arising in the anorectal transformation zone, anal canal and anal sphincter.

This definition excludes malignant melanoma, soft tissue sarcoma, non- Hodgkin's lymphoma, Hodgkin's lymphoma, neoplasms of the anal margin (perianal skin), anal intraepithelial neoplasia and atypical squamous cell histology of undetermined significance in the anal canal.

- (c) Malignant neoplasm of the anus and anal canal attracts ICD-10-AM code C21.0, C21.1, C21.2 or D01.3.
- (d) In the application of this Statement of Principles, the definition of "**malignant neoplasm of the anus and anal canal**" 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 **malignant neoplasm of the anus or anal canal** and **death from malignant neoplasm of the anus or anal canal** 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, **malignant neoplasm of the anus or anal canal** or **death from malignant neoplasm of the anus or anal canal** is connected with the circumstances of a person's relevant service is:
  - (a) smoking at least 20 pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of malignant neoplasm of the anus or anal canal, and
    - (i) smoking commenced at least five years before the clinical onset of malignant neoplasm of the anus or anal canal; and
    - (ii) where smoking has ceased, the clinical onset of malignant neoplasm of the anus or anal canal has occurred within 15 years of cessation; or
  - (b) acquiring persistent infection of the epithelium of the anal canal with an oncogenic human papilloma virus before the clinical onset of malignant neoplasm of the anus or anal canal; or
  - (c) having receptive anal intercourse at least two years before the clinical onset of malignant neoplasm of the anus or anal canal; or
  - (d) being infected with human immunodeficiency virus at the time of the clinical onset of malignant neoplasm of the anus or anal canal; or

- (e) being treated with systemic immunosuppressive therapy for organ transplantation or stem cell transplantation before the clinical onset of malignant neoplasm of the anus or anal canal; or
- (f) inability to obtain appropriate clinical management for malignant neoplasm of the anus or anal canal.

#### **Factors that apply only to material contribution or aggravation**

- 7. Paragraph 6(f) applies only to material contribution to, or aggravation of, malignant neoplasm of the anus or anal canal where the person's malignant neoplasm of the anus or anal canal 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:

**"an oncogenic human papilloma virus (HPV)"** means HPV genotype 16, 18, 31, 33 or 45;

**"death from malignant neoplasm of the anus or anal canal"** in relation to a person includes death from a terminal event or condition that was contributed to by the person's malignant neoplasm of the anus or anal canal;

**"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), Eighth Edition, effective date of 1 July 2013, copyrighted by the Independent Hospital Pricing Authority, and having ISBN 978-1-74128-213-9;

**"pack-years 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 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) 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 4 September 2013.

Dated this *twenty-sixth* day of *August* 2013

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

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PROFESSOR NICHOLAS SAUNDERS AO  
CHAIRPERSON