



# **Statement of Principles concerning malignant neoplasm of the prostate No. 53 of 2014**

made under subsection 196B(2) of the

*Veterans' Entitlements Act 1986*

## **Compilation No. 1**

**Compilation date:** 23 January 2017

**Includes amendments up to:** Amendment Statement of Principles concerning malignant neoplasm of the prostate No. 19 of 2017 (F2017L00017)

The day of commencement of this Amendment Statement of Principles concerning malignant neoplasm of the prostate is 23 January 2017.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

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## About this compilation

### This compilation

This is a compilation of the *Statement of Principles concerning malignant neoplasm of the prostate No. 53 of 2014* that shows the text of the law as amended and in force on 23 January 2017.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Statement of Principles  
concerning

**MALIGNANT NEOPLASM OF THE  
PROSTATE**

**No. 53 of 2014**

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 prostate No. 53 of 2014.

**Determination**

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
  - (a) revokes Instrument No. 28 of 2005, as amended by Instrument No. 77 of 2012, concerning malignant neoplasm of the prostate; and
  - (b) determines in their place this Statement of Principles.

**Kind of injury, disease or death**

3.
  - (a) This Statement of Principles is about **malignant neoplasm of the prostate** and **death from malignant neoplasm of the prostate**.
  - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the prostate**" means a primary malignant neoplasm arising from the cells of the prostate gland. This definition excludes prostatic intraepithelial neoplasia, soft tissue sarcoma, carcinoid tumour, non-Hodgkin's lymphoma and Hodgkin's lymphoma.

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- (c) Malignant neoplasm of the prostate attracts ICD-10-AM code C61.
  - (d) In the application of this Statement of Principles, the definition of "**malignant neoplasm of the prostate**" is that given at paragraph 3(b) above.

#### **Basis for determining the factors**

- 4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **malignant neoplasm of the prostate** and **death from malignant neoplasm of the prostate** 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 *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 as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting **malignant neoplasm of the prostate** or **death from malignant neoplasm of the prostate** with the circumstances of a person's relevant service is:
  - (a) inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD) for a cumulative period of at least 1 000 hours, at least five years before the clinical onset of malignant neoplasm of the prostate; or
  - (b) being:
    - (i) on land in Vietnam; or
    - (ii) at sea in Vietnamese waters; or
    - (iii) on board a vessel and consuming potable water supplied on that vessel, when the water supply had been produced by evaporative distillation of estuarine Vietnamese waters;for a cumulative period of at least 30 days, at least five years before the clinical onset of malignant neoplasm of the prostate; or
  - (c) increasing animal fat consumption by at least 40 percent and to at least 50 grams per day, and maintaining these levels for at least five years within the 25 years before the clinical onset of malignant neoplasm of the prostate; or

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- (d) drinking at least 200 kilograms of alcohol within any ten year period within the 20 years before the clinical onset of malignant neoplasm of the prostate; or
  - (e) smoking at least ten pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical worsening of malignant neoplasm of the prostate, and where smoking has ceased, the clinical worsening of malignant neoplasm of the prostate has occurred within ten years of cessation; or
  - (f) being obese for a continuous period of at least five years before the clinical worsening of malignant neoplasm of the prostate; or
  - (g) inability to obtain appropriate clinical management for malignant neoplasm of the prostate.

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

- 7. Paragraphs **6(e) to 6(g)** apply only to material contribution to, or aggravation of, malignant neoplasm of the prostate where the person's malignant neoplasm of the prostate 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:

**"animal fat"** means fat contained in or derived from:

- (a) dairy products;
- (b) eggs; or
- (c) meat, other flesh or offal from animals (including birds but excluding seafood);

**"alcohol"** is measured by the alcohol consumption calculations utilising the Australian Standard of ten grams of alcohol per standard alcoholic drink;

**"being:**

- (i) **on land in Vietnam; or**
- (ii) **at sea in Vietnamese waters;"** means service in at least one of the areas and at the times described in Items 4 and 8 of Schedule 2 of the VEA;

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**"being obese"** means an increase in body weight by way of fat accumulation which results in a Body Mass Index (BMI) of 30 or greater.

The  $BMI = W/H^2$  and where:

W is the person's weight in kilograms; and

H is the person's height in metres;

**"death from malignant neoplasm of the prostate"** 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 prostate;

**"estuarine Vietnamese waters"** means at least one of the waterways or harbours in the relevant areas described in Items 4 and 8 of Schedule 2 of the *Veterans' Entitlements Act 1986*;

**"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;

**"inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD)"** means:

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

one of the following chemicals:

- (i) 2,4,5-trichlorophenoxyacetic acid;
- (ii) 2,4,5-trichlorophenoxypropionic acid;
- (iii) 2,4,5-trichlorophenol;
- (iv) 2-(2,4,5-trichlorophenoxy)-ethyl 2,2-dichloropropionate;
- (v) o,o-dimethyl-o-(2,4,5-trichlorophenyl)-phosphorothioate;
- (vi) pentachlorophenol;
- (vii) 2,3,4,6-tetrachlorophenol;
- (viii) 2,4,6-trichlorophenol;
- (ix) 1,3,4-trichloro-2-(4-nitrophenoxy)benzene;
- (x) 2,4-dichloro-1-(4-nitrophenoxy)benzene; or
- (xi) 2,4-dichloro-1-(3-methoxy-4-nitrophenoxy)-benzene;

**"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

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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;

**"potable water"** means water used for drinking water, food preparation and beverage production;

**"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;

**"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 120A of the VEA or section 338 of the MRCA applies.

### **Date of effect**

- 11.** This Instrument takes effect from 14 May 2014.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.



**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Statement of Principles concerning malignant neoplasm of the prostate No. 53 of 2014</i>	12 May 2014 F2014L00522	14 May 2014	
<i>Amendment Statement of Principles concerning malignant neoplasm of the prostate No. 19 of 2017</i>	4 January 2017 F2017L00017	23 January 2017	

Endnote 4—Amendment history

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**Endnote 4—Amendment history**

Provision affected	How affected
Clause 6(e).....	rs. Instrument No. 19 of 2017