

Statement of Principles
concerning

VARICOCELE

No. 4 of 2011

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 varicocele No. 4 of 2011.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 125 of 1996 concerning varicocele; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **varicocele** and **death from varicocele**.
 - (b) For the purposes of this Statement of Principles, "**varicocele**" means an abnormal tortuosity and dilatation of the veins of the pampiniform plexus within the spermatic cord usually presenting as a scrotal swelling.
 - (c) Varicocele attracts ICD-10-AM code I86.1.
 - (d) In the application of this Statement of Principles, the definition of "**varicocele**" 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 **varicocele** and **death from varicocele** 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, **varicocele** or **death from varicocele** is connected with the circumstances of a person's relevant service is:
 - (a) having occlusion or narrowing of the ipsilateral testicular vein before the clinical onset of varicocele; or
 - (b) for right-sided varicocele, having occlusion or narrowing of the inferior vena cava before the clinical onset of varicocele; or
 - (c) for right-sided varicocele, where the right testicular vein drains into the right renal vein, having occlusion or narrowing of the right renal vein before the clinical onset of varicocele; or
 - (d) for left-sided varicocele, having occlusion or narrowing of the left renal vein before the clinical onset of varicocele; or
 - (e) having a nephrectomy within the 12 months before the clinical onset of the ipsilateral varicocele; or
 - (f) having an arterio-venous fistula between any of the arteries of the testis and a vein of the pampiniform plexus at the time of the clinical onset of varicocele; or
 - (g) having occlusion or narrowing of the ipsilateral testicular vein before the clinical worsening of varicocele; or
 - (h) for right-sided varicocele, having occlusion or narrowing of the inferior vena cava before the clinical worsening of varicocele; or
 - (i) for right-sided varicocele, where the right testicular vein drains into the right renal vein, having occlusion or narrowing of the right renal vein before the clinical worsening of varicocele; or
 - (j) for left-sided varicocele, having occlusion or narrowing of the left renal vein before the clinical worsening of varicocele; or

- (k) having a nephrectomy within the 12 months before the clinical worsening of the ipsilateral varicocele; or
- (l) having an arterio-venous fistula between any of the arteries of the testis and a vein of the pampiniform plexus at the time of the clinical worsening of varicocele; or
- (m) inability to obtain appropriate clinical management for varicocele.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(g) to 6(m)** apply only to material contribution to, or aggravation of, varicocele where the person's varicocele 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:

"arteries of the testis" means the arteries or their branches that supply the testis and includes the deferential artery, epigastric artery, external pudendal artery and testicular artery;

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

"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), Seventh Edition, effective date of 1 July 2010, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 154 5;

"occlusion or narrowing" means obstruction to blood flow from conditions such as thrombosis, tumour invasion or external compression of a vein, from diseases such as abdominal or pelvic tumour, retroperitoneal masses or retroperitoneal fibrosis;

"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;

"testicular vein" means the vein that drains the pampiniform plexus and opens into the left renal vein on the left side, usually opening into the inferior vena cava on the right side, and which occasionally enters the right renal vein.

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 5 January 2011.

Dated this **fourteenth** day of **December** 2010

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

KEN DONALD
CHAIRPERSON