Statement of Principles

concerning

MALIGNANT NEOPLASM OF THE PROSTATE

Instrument No. 29 of 2005 as amended

made under section 196B(3) of the

Veterans’ Entitlements Act 1986

This compilation was prepared on 12 November 2012 taking into account Amendment of Statement of Principles concerning MALIGNANT NEOPLASM OF THE PROSTATE (Instrument No. 78 of 2012)

Prepared by the Repatriation Medical Authority Secretariat, Brisbane
Statement of Principles
centering

MALIGNANT NEOPLASM OF THE
PROSTATE

for the purposes of the

Veterans’ Entitlements Act 1986

and

Military Rehabilitation and Compensation Act 2004

1. The Repatriation Medical Authority under subsection 196B(3) and (8) of the Veterans’ Entitlements Act 1986 (the VEA):

(a) revokes Instrument No. 85 of 1999, as amended by Instrument No. 70 of 2002; and

(b) determines in their place the following Statement of Principles.

Kind of injury, disease or death

2. (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 soft tissue sarcoma, carcinoid tumour, non-Hodgkin’s lymphoma and Hodgkin’s lymphoma.

(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 2(b) above.

Basis for determining the factors

3. 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 prostate and death from malignant
neoplasm of the prostate 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

4. Subject to clause 6, at least one of the factors set out in clause 5 must be related to the relevant service rendered by the person.

Factors

5. The factor that must exist before it can be said that, on the balance of probabilities, malignant neoplasm of the prostate or death from malignant neoplasm of the prostate is connected with the circumstances of a person’s relevant service is:

   (a) increasing animal fat consumption by at least 40% and to at least 50gm/day, and maintaining these levels for at least ten years within the twenty-five years before the clinical onset of malignant neoplasm of the prostate; or

   (aa) smoking at least 40 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 has occurred within ten years of cessation; or

   (b) inability to obtain appropriate clinical management for malignant neoplasm of the prostate.

Factors that apply only to material contribution or aggravation

6. Paragraphs 5(aa) and 5(b) 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

7. 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

8. For the purposes of this Statement of Principles:

"animal fat" means fat contained in or derived from:
(a) meat, other flesh or offal from animals (including birds but excluding seafood);
(b) dairy products; or
(c) eggs from birds;

"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;

"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), Fourth Edition, effective date of 1 July 2004, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 594 1;

"pack-years 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 7300 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 means either 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; 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;

Application

9. This Instrument applies to all matters to which section 120B of the VEA or section 339 of the MRCA applies.

Date of effect

10. This Instrument takes effect from 28 September 2005.
Notes to Statement of Principles concerning malignant neoplasm of the prostate (Instrument No. 29 of 2005)

The Statement of Principles concerning malignant neoplasm of the prostate (Instrument No. 29 of 2005) in force under section 196B(3) of the Veterans’ Entitlements Act 1986, as shown in this compilation is amended as indicated in the Tables below.

Table of Instruments

<table>
<thead>
<tr>
<th>Title</th>
<th>Date of FRLI registration</th>
<th>Date of commencement</th>
<th>Application, saving or transitional provisions</th>
</tr>
</thead>
</table>

Table of Amendments

<table>
<thead>
<tr>
<th>Provision affected</th>
<th>How affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clause 5(aa) – ' (aa) smoking at least 40 ....'</td>
<td>ad. Instrument No. 78 of 2012</td>
</tr>
<tr>
<td>Clause 6 – 'Paragraphs 5(aa) and 5(b) apply.....'</td>
<td>rs. Instrument No. 78 of 2012</td>
</tr>
<tr>
<td>Clause 8 – '&quot;pack-years of cigarettes, or the .....'</td>
<td>ad. Instrument No. 78 of 2012</td>
</tr>
</tbody>
</table>