



Statement of Principles concerning chronic gastritis and chronic gastropathy No. 26 of 2013

made under subsection 196B(3) of the

Veterans' Entitlements Act 1986

Compilation No. 1

Compilation date: 18 September 2017

Includes amendments up to: Veterans' Entitlements (Statements of Principles—Cumulative Equivalent Dose) Amendment Determination 2017 (No. 58 of 2017) (F2017L01067)

The day of commencement of this Amendment Determination is 18 September 2017.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

About this compilation

This compilation

This is a compilation of the *Statement of Principles concerning chronic gastritis and chronic gastropathy No. 26 of 2013* that shows the text of the law as amended and in force on 18 September 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). 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning

**CHRONIC GASTRITIS AND CHRONIC
GASTROPATHY**

No. 26 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 chronic gastritis and chronic gastropathy No. 26 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. 76 of 2001 concerning chronic gastritis; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3. (a) This Statement of Principles is about **chronic gastritis and chronic gastropathy** and **death from chronic gastritis and chronic gastropathy**.

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- (b) For the purposes of this Statement of Principles:

"chronic gastritis" means inflammation of the gastric mucosa with histologically demonstrated chronic inflammatory cell infiltrate. This inflammation may be associated with a range of gastrointestinal symptoms including epigastric pain, nausea, bloating and burning; and

"chronic gastropathy" means histologically demonstrated gastric epithelial cell damage and regeneration with minimal or no associated inflammation, accompanied by epigastric pain, nausea, bloating or burning for at least three months.

These definitions exclude acute gastritis and acute gastropathy, autoimmune gastritis, eosinophilic gastritis, chronic non-infectious granulomatous gastritis, gastric antral vascular ectasia, portal hypertensive gastropathy, ischaemic gastritis, uraemic gastritis and lymphocytic gastritis.

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 **chronic gastritis or chronic gastropathy** and **death from chronic gastritis or chronic gastropathy** 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, **chronic gastritis or chronic gastropathy** or **death from chronic gastritis or chronic gastropathy** is connected with the circumstances of a person's relevant service is:
- (a) for chronic gastritis only,
- (i) having a *Helicobacter pylori* infection of the gastric mucosa at the time of the clinical onset of chronic gastritis; or
 - (ii) having *Helicobacter heilmannii* infection of the gastric mucosa at the time of the clinical onset of chronic gastritis; or
 - (iii) having a specified infection of the gastric mucosa at the time of the clinical onset of chronic gastritis; or

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- (iv) being in an immunocompromised state at the time of the clinical onset of chronic gastritis; or
 - (b) for chronic gastropathy only,
 - (i) having reflux of bile acids into the stomach at the time of the clinical onset of chronic gastropathy; or
 - (ii) being treated with a non-topical nonsteroidal anti-inflammatory drug, including aspirin, at least every other day during a continuous period of at least two weeks, within the one month before the clinical onset of chronic gastropathy; or
 - (iii) being treated with a drug or a drug from a class of drugs from Specified List 1 for the one month before the clinical onset of chronic gastropathy; or
 - (iv) consuming an average of at least 350 grams of alcohol per week for at least the five years before the clinical onset of chronic gastropathy; or
 - (v) undergoing a course of therapeutic radiation for cancer, where the stomach was in the field of radiation, within the six months before the clinical onset of chronic gastropathy; or
 - (vi) having received a cumulative equivalent dose of at least 20 sieverts of ionising radiation to the stomach within the six months before the clinical onset of chronic gastropathy; or
 - (vii) having received ⁹⁰Yttrium microspheres as therapy for primary and metastatic liver tumours, within the six months before the clinical onset of chronic gastropathy; or
 - (c) for chronic gastritis only,
 - (i) having a *Helicobacter pylori* infection of the gastric mucosa at the time of the clinical worsening of chronic gastritis; or
 - (ii) having *Helicobacter heilmannii* infection of the gastric mucosa at the time of the clinical worsening of chronic gastritis; or
 - (iii) having a specified infection of the gastric mucosa at the time of the clinical worsening of chronic gastritis; or
 - (iv) being in an immunocompromised state at the time of the clinical worsening of chronic gastritis; or
 - (d) having reflux of bile acids into the stomach at the time of the clinical worsening of chronic gastritis or chronic gastropathy; or
 - (e) being treated with a non-topical nonsteroidal anti-inflammatory drug, including aspirin, at least every other day during a continuous period of
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- at least eight days, within the one month before the clinical worsening of chronic gastritis or chronic gastropathy; or
- (f) being treated with a drug or a drug from a class of drugs from Specified List 2 at the time of the clinical worsening of chronic gastritis or chronic gastropathy; or
 - (g) consuming an average of at least 350 grams of alcohol per week for at least the one year before the clinical worsening of chronic gastritis or chronic gastropathy; or
 - (h) undergoing a course of therapeutic radiation for cancer, where the stomach was in the field of radiation, within the six months before the clinical worsening of chronic gastritis or chronic gastropathy; or
 - (i) having received a cumulative equivalent dose of at least 20 sieverts of ionising radiation to the stomach within the six months before the clinical worsening of chronic gastritis or chronic gastropathy; or
 - (j) having received ⁹⁰Yttrium microspheres as therapy for primary and metastatic liver tumours, within the six months before the clinical worsening of chronic gastritis or chronic gastropathy; or
 - (k) inability to obtain appropriate clinical management for chronic gastritis or chronic gastropathy.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(c) to 6(k)** apply only to material contribution to, or aggravation of, chronic gastritis or chronic gastropathy where the person's chronic gastritis or chronic gastropathy 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:
- "a drug or a drug from a class of drugs from Specified List 1"** means one of the following:
- (a) bisphosphonates;
 - (b) chemotherapeutic agents delivered by hepatic arterial infusion;

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- (c) colchicine;
 - (d) dabigatran etexilate;
 - (e) highly active antiretroviral therapy;
 - (f) non-topical corticosteroids;
 - (g) oral iron supplements;
 - (h) slow-release potassium chloride; or
 - (i) sodium polystyrene sulfonate;

"a drug or a drug from a class of drugs from Specified List 2" means one of the following:

- (a) anticoagulants;
- (b) bisphosphonates;
- (c) chemotherapeutic agents delivered by hepatic arterial infusion;
- (d) colchicine;
- (e) highly active antiretroviral therapy;
- (f) non-topical corticosteroids;
- (g) oral iron supplements;
- (h) slow-release potassium chloride; or
- (i) sodium polystyrene sulfonate;

"a specified infection" means:

- (a) cytomegalovirus infection;
- (b) Epstein-Barr virus infection;
- (c) herpes simplex virus infection;
- (d) human herpesvirus-6 infection; or
- (e) strongyloidiasis;

"an immunocompromised state" means a state where the immune response has been substantially diminished by administration of immunosuppressive drugs, ionising radiation, malnutrition, a malignant disease process or certain types of infection;

"alcohol" is measured by the alcohol consumption calculations utilising the Australian Standard of 10 grams of alcohol per standard alcoholic drink;

"cumulative equivalent dose" means the total dose of ionising radiation received by the particular organ or tissue from external exposure, internal exposure or both, apart from normal background radiation exposure in Australia, calculated in accordance with the methodology set out in *Guide to calculation of 'cumulative equivalent dose' for the purpose of applying ionising radiation factors contained in Statements of Principles determined under Part XIA of the Veterans' Entitlements Act 1986 (Cth)*, Australian Radiation Protection and Nuclear Safety Agency, as in force on 2 August 2017;

Note 1: Examples of circumstances that might lead to exposure to ionising radiation include being present during or subsequent to the testing or use of nuclear weapons, undergoing diagnostic or therapeutic medical procedures involving ionising radiation, and being a member of an aircrew, leading to increased levels of exposure to cosmic radiation.

Note 2: For the purpose of dose reconstruction, dose is calculated as an average over the mass of a specific tissue or organ. If a tissue is exposed to multiple sources of ionising radiation, the various dose estimates for each type of radiation must be combined.

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

"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 8 May 2013.

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)	
exp = expires/expired or ceases/ceased to have effect	reloc = relocated
F = Federal Register of Legislation	renum = renumbered
gaz = gazette	rep = repealed
LA = <i>Legislation Act 2003</i>	rs = repealed and substituted
LIA = <i>Legislative Instruments Act 2003</i>	s = section(s)/subsection(s)
(md) = misdescribed amendment can be given effect	Sch = Schedule(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sdiv = Subdivision(s)
mod = modified/modification	SLI = Select Legislative Instrument
No. = Number(s)	SR = Statutory Rules
	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Statement of Principles concerning chronic gastritis and chronic gastropathy No. 26 of 2013</i>	1 May 2013 F2013L00722	8 May 2013	
<i>Veterans' Entitlements (Statements of Principles—Cumulative Equivalent Dose) Amendment Determination 2017 (No. 58 of 2017)</i>	22 August 2017 F2017L01067	18 September 2017	

Endnote 4—Amendment history

Provision affected	How affected
Clause 9 – ' "cumulative equivalent dose".....'	rs. Instrument No. 58 of 2017