Statement of Principles concerning malignant neoplasm of the liver No. 21 of 2011

made under subsection 196B(2) 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.
About this compilation

This compilation

This is a compilation of the Statement of Principles concerning malignant neoplasm of the liver No. 21 of 2011 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
Statement of Principles
concerning

MALIGNANT NEOPLASM OF THE LIVER
No. 21 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 malignant neoplasm of the liver No. 21 of 2011.

Determination
2. The Repatriation Medical Authority under subsection 196B(2) and (8) of the Veterans’ Entitlements Act 1986 (the VEA):

(a) revokes Instrument No. 171 of 1996 concerning malignant neoplasm of the liver; 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 liver and death from malignant neoplasm of the liver.

(b) For the purposes of this Statement of Principles, "malignant neoplasm of the liver" means a primary malignant neoplasm arising from the hepatocytes. This definition excludes soft tissue sarcoma, carcinoid tumour, malignant neoplasm of the intrahepatic bile duct, non-Hodgkin’s lymphoma and Hodgkin’s lymphoma.
(c) Malignant neoplasm of the liver attracts ICD-10-AM code C22.0.

(d) In the application of this Statement of Principles, the definition of "malignant neoplasm of the liver" 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 liver and death from malignant neoplasm of the liver 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 liver or death from malignant neoplasm of the liver with the circumstances of a person’s relevant service is:

(a) having chronic infection with the hepatitis B virus before the clinical onset of malignant neoplasm of the liver; or

(b) having chronic infection with the hepatitis C virus before the clinical onset of malignant neoplasm of the liver; or

(c) having cirrhosis of the liver before the clinical onset of malignant neoplasm of the liver; or

(d) drinking at least 110 kilograms of alcohol within any ten year period before the clinical onset of malignant neoplasm of the liver; or

(e) smoking at least ten pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of malignant neoplasm of the liver, and where smoking has ceased, the clinical onset has occurred within 20 years of cessation; or
(f) consuming food containing high concentrations of aflatoxins on more
days than not, for a period of at least ten years within the 20 years
before the clinical onset of malignant neoplasm of the liver; or

(g) having received a cumulative equivalent dose of at least 0.1 sievert of
ionising radiation to the liver at least five years before the clinical onset
of malignant neoplasm of the liver; or

(h) having type 2 diabetes mellitus for at least the five years before the
clinical onset of malignant neoplasm of the liver; or

(i) being obese for at least the five years before the clinical onset of
malignant neoplasm of the liver; or

(j) using the combined oral contraceptive pill for a continuous period of at
least three years before the clinical onset of malignant neoplasm of the
liver, and where the use of the combined oral contraceptive pill has
ceased, the clinical onset of malignant neoplasm of the liver has
occurred within 30 years of cessation; or

(k) inhaling a cumulative dose of at least 1250 ppm-years of gaseous vinyl
chloride at least five years before the clinical onset of malignant
neoplasm of the liver; or

(l) inhaling gaseous vinyl chloride for a cumulative period of at least 5000
hours while working in the production or processing of vinyl chloride
monomer or polyvinyl chloride, at least five years before the clinical
onset of malignant neoplasm of the liver; or

(m) having steatohepatitis before the clinical onset of malignant neoplasm
of the liver; or

(n) taking or being treated with anabolic-androgenic steroids for a
continuous period of at least three years, and to a cumulative total of at
least 14 grams, within the 20 years before the clinical onset of
malignant neoplasm of the liver; or

(o) being treated with immunosuppressive drugs for solid organ
transplantation or for stem cell transplantation, for a continuous period
of at least two years before the clinical onset of malignant neoplasm of
the liver; or
(p) being infected with human immunodeficiency virus before the clinical onset of malignant neoplasm of the liver; or

(q) chewing betel quid or areca nut on more days than not, for at least five years before the clinical onset of malignant neoplasm of the liver, and where chewing of betel quid or areca nut has ceased, the clinical onset has occurred within 20 years of cessation; or

(r) being exposed to arsenic as specified before the clinical onset of malignant neoplasm of the liver, where the first exposure to arsenic occurred at least ten years before the clinical onset of malignant neoplasm of the liver; or

(s) inability to obtain appropriate clinical management for malignant neoplasm of the liver.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(s) applies only to material contribution to, or aggravation of, malignant neoplasm of the liver where the person’s malignant neoplasm of the liver 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:

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

"being exposed to arsenic as specified" means:

(a) consuming drinking water with an average arsenic concentration of at least 50 micrograms per litre for a cumulative period of at least ten years;
(b) consuming drinking water resulting in a cumulative total arsenic exposure equivalent to having consumed drinking water containing at least 50 micrograms per litre for at least ten years; or
(c) having clinical evidence of chronic arsenic toxicity;

"being obese" means an increase in body weight by way of fat accumulation which results in a Body Mass Index (BMI) of thirty 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;

"chronic infection with the hepatitis B virus" means:
(a) the presence of HBsAg or hepatitis B virus (HBV) deoxyribonucleic acid (DNA), in the absence of IgM Anti-HBc on serological testing; or
(b) positive serology for hepatitis B plus evidence of chronic hepatitis or other chronic changes on liver biopsy;

"chronic infection with the hepatitis C virus" means:
(a) positive polymerase chain reaction testing for hepatitis C virus (HCV) ribonucleic acid (RNA);
(b) the presence of anti-HCV and elevated serum aminotransferase levels, more than six months after evidence of an acute hepatitis C infection; or
(c) positive serology for hepatitis C plus evidence of chronic hepatitis or other chronic changes on liver biopsy;

"combined oral contraceptive pill" means contraceptive pills containing oestrogen and progestogen;

"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 malignant neoplasm of the liver" 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 liver;

"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;

"immunosuppressive drugs" means drugs or agents administered for the purpose of suppressing immune responses. This definition excludes inhaled or topical steroids;

"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 7300 cigarettes. One tailor-made cigarette approximates one gram of tobacco by weight. One pack-year of tailor-made cigarettes equates to 7300 cigarettes, or 7.3 kilograms of smoking tobacco by weight. Tobacco products means either cigarettes, pipe tobacco or cigar smoked, alone or in any combination;

"ppm-years" means parts per million multiplied by years of exposure;

"relevant service" means:
(a) operational service under the VEA;
(b) peacekeeping service under the VEA;
(c) hazardous service under the VEA;
(d) warlike service under the MRCA; or
(e) 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 30 March 2011.
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

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## Endnote 3—Legislation history

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