



Statement of Principles concerning malignant neoplasm of the breast No. 97 of 2014

made under subsection 196B(3) of the

Veterans' Entitlements Act 1986

Compilation No. 2

Compilation date: 24 September 2018

Includes amendments up to: Amendment Statement of Principles concerning malignant neoplasm of the breast No. 82 of 2018 (F2018L01167)

The day of commencement of this Amendment Statement of Principles concerning malignant neoplasm of the breast is 24 September 2018.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

About this compilation

This compilation

This is a compilation of the *Statement of Principles concerning malignant neoplasm of the breast No. 97 of 2014* that shows the text of the law as amended and in force on 24 September 2018.

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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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
MALIGNANT NEOPLASM OF THE BREAST
No. 97 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 breast No. 97 of 2014.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 28 of 2006 concerning malignant neoplasm of the breast; 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 breast** and **death from malignant neoplasm of the breast**.
 - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the breast**" means a primary malignant neoplasm arising

from the cells of the breast, including carcinoma in situ. This definition excludes soft tissue sarcoma, carcinoid tumour, non-Hodgkin's lymphoma and Hodgkin's lymphoma.

- (c) Malignant neoplasm of the breast attracts ICD-10-AM code C50 or D05.
- (d) In the application of this Statement of Principles, the definition of "**malignant neoplasm of the breast**" 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 **malignant neoplasm of the breast** and **death from malignant neoplasm of the breast** 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, **malignant neoplasm of the breast** or **death from malignant neoplasm of the breast** is connected with the circumstances of a person's relevant service is:
 - (a) having received a cumulative equivalent dose of at least 0.5 sievert of ionising radiation to the breast at least ten years before the clinical onset of malignant neoplasm of the breast; or
 - (b) using hormone replacement therapy for at least two years before the clinical onset of malignant neoplasm of the breast, and where the use of hormone replacement therapy has ceased, the clinical onset of malignant neoplasm of the breast has occurred within five years of cessation; or
 - (c) using a combined oral contraceptive pill for a continuous period of at least three years where:
 - (i) use of the combined oral contraceptive pill commenced at least five years before the clinical onset of malignant neoplasm of the breast; and

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- (ii) where use of the combined oral contraceptive pill has ceased, the clinical onset of malignant neoplasm of the breast has occurred within ten years of cessation; or
 - (d) for parous women only, inability to breast feed for a cumulative period of at least six months before the clinical onset of malignant neoplasm of the breast; or
- Note: The period of breastfeeding could be cumulative over a number of pregnancies.
- (e) for females aged over 35 years only, being nulliparous at the time of the clinical onset of malignant neoplasm of the breast; or
 - (f) being pregnant within the ten years before the clinical onset of malignant neoplasm of the breast; or
 - (g) having a first live birth after the age of 30 years or having a first full-term pregnancy after the age of 30 years, within the 30 years before the clinical onset of malignant neoplasm of the breast; or
 - (h) drinking at least 80 kilograms of alcohol within the 20 years before the clinical onset of malignant neoplasm of the breast; or
 - (i) an inability to undertake any physical activity greater than three METs for at least 20 years within the 30 years before the clinical onset of malignant neoplasm of the breast; or
 - (j) for death from malignant neoplasm of the breast only, being prevented from accessing mammographic screening for malignant neoplasm of the breast in accordance with contemporary medical standards at the time, within the ten years before the clinical onset of malignant neoplasm of the breast, and where:
 - (i) if mammographic screening has been resumed in the interim, there has been no normal test result; and
 - (ii) the opportunity for subsequent appropriate mammographic screening has not been declined; or
 - (k) for males and postmenopausal females only:
 - (i) being obese for at least ten years within the 20 years before the clinical onset of malignant neoplasm of the breast; or
 - (ii) having diabetes mellitus before the clinical onset of malignant neoplasm of the breast; or
 - (l) using digoxin for a continuous period of at least one year before the clinical onset of malignant neoplasm of the breast, and where use of digoxin has ceased, the clinical onset of malignant neoplasm of the breast has occurred within five years of cessation; or

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- (m) being administered diethylstilbestrol while pregnant within the thirty years before the clinical onset of malignant neoplasm of the breast; or
 - (n) inability to obtain appropriate clinical management for malignant neoplasm of the breast.

Factors that apply only to material contribution or aggravation

- 7. Paragraph 6(n) applies only to material contribution to, or aggravation of, malignant neoplasm of the breast where the person's malignant neoplasm of the breast 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 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;

"combined oral contraceptive pill" means an oral contraceptive compound containing both 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 breast" 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 breast;

"hormone replacement therapy" means administration of oestrogen preparations often in combination with progesterone to offset a hormone deficiency following surgically induced or naturally occurring menopause;

"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;

"MET" means a unit of measurement of the level of physical exertion. 1 MET = 3.5 ml of oxygen/kg of body weight per minute, 1.0 kcal/kg of body weight per hour or resting metabolic rate;

"nulliparous" means having never given birth to a viable infant;

"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 17 November 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) | |
| 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 malignant neoplasm of the breast No. 97 of 2014</i> | 22 October 2014 F2014L01387 | 17 November 2014 | |
| <i>Veterans' Entitlements (Statements of Principles—Cumulative Equivalent Dose) Amendment Determination 2017 (No. 58 of 2017)</i> | 22 August 2017 F2017L01067 | 18 September 2017 | |
| <i>Amendment Statement of Principles concerning malignant neoplasm of the breast No. 82 of 2018</i> | 27 August 2018 F2018L01167 | 24 September 2018 | |

Endnote 4—Amendment history

| Provision affected | How affected |
|---|---------------------|
| Clause 9 – ' "cumulative equivalent dose".....' | rs. No. 58 of 2017 |
| Clause 6(d)..... | rs. No. 82 of 2018 |
