



# **Statement of Principles concerning malignant neoplasm of the colorectum No. 38 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

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## About this compilation

### This compilation

This is a compilation of the *Statement of Principles concerning malignant neoplasm of the colorectum No. 38 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](http://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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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 COLORECTUM

## No. 38 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 malignant neoplasm of the colorectum No. 38 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. 2 of 2004, as amended by Instrument No. 40 of 2011, concerning malignant neoplasm of the colorectum; and
  - (b) determines in their place this Statement of Principles.

### Kind of injury, disease or death

3. (a) This Statement of Principles is about **malignant neoplasm of the colorectum and death from malignant neoplasm of the colorectum.**

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*Statement of Principles concerning Malignant Neoplasm Of The Colorectum*  
*No. 38 of 2013*  
*Veterans' Entitlements Act 1986*

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- (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the colorectum**" means a primary malignant neoplasm arising from the epithelial cells of the colorectum. Anatomically the colorectum is defined as extending from the caecum, including the ileocaecal junction, to the junction with the anal canal. This definition of malignant neoplasm of the colorectum excludes soft tissue sarcoma, carcinoid tumour, non-Hodgkin's lymphoma and Hodgkin's lymphoma.
  - (c) Malignant neoplasm of the colorectum attracts ICD-10-AM code C18, C19 or C20.
  - (d) In the application of this Statement of Principles, the definition of "**malignant neoplasm of the colorectum**" 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 colorectum** and **death from malignant neoplasm of the colorectum** 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 colorectum** or **death from malignant neoplasm of the colorectum** is connected with the circumstances of a person's relevant service is:
  - (a) having a colorectal adenoma before the clinical onset of malignant neoplasm of the colorectum; or
  - (b) smoking at least 30 pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of malignant neoplasm of the colorectum, and
    - (i) smoking commenced at least 20 years before the clinical onset of malignant neoplasm of the colorectum; and

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- (ii) where smoking has ceased, the clinical onset of malignant neoplasm of the colorectum has occurred within 15 years of cessation; or
  - (c) drinking at least 500 kilograms of alcohol within any 25 year period, before the clinical onset of malignant neoplasm of the colorectum; or
  - (d) having ulcerative colitis for at least ten years before the clinical onset of malignant neoplasm of the colorectum; or
  - (e) having Crohn's disease of the colorectum for at least ten years before the clinical onset of malignant neoplasm of the colorectum; or
  - (f) having familial adenomatous polyposis before the clinical onset of malignant neoplasm of the colorectum; or
  - (g) having received a cumulative equivalent dose of at least 0.5 sievert of ionising radiation to the colorectum at least ten years before the clinical onset of malignant neoplasm of the colorectum; or
  - (h) inhaling respirable asbestos fibres in an enclosed space:
    - (i) for a cumulative period of at least 2 000 hours before the clinical onset of malignant neoplasm of the colorectum; and
    - (ii) at the time material containing respirable asbestos fibres was being applied, removed, dislodged, cut or drilled; and
    - (iii) the first inhalation of asbestos fibres commenced at least ten years before the clinical onset of malignant neoplasm of the colorectum; or
  - (i) inhaling respirable asbestos fibres in an open environment:
    - (i) for a cumulative period of at least 6 000 hours before the clinical onset of malignant neoplasm of the colorectum; and
    - (ii) at the time material containing respirable asbestos fibres was being applied, removed, dislodged, cut or drilled; and
    - (iii) the first inhalation of asbestos fibres commenced at least ten years before the clinical onset of malignant neoplasm of the colorectum; or
  - (j) for malignant neoplasm of the colon only,
    - (i) an inability to undertake any physical activity greater than three METs for at least 20 consecutive years within the 30 years before the clinical onset of malignant neoplasm of the colorectum; or
    - (ii) being obese for at least ten years within the 30 years before the clinical onset of malignant neoplasm of the colorectum; or
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- (k) inability to obtain appropriate clinical management for malignant neoplasm of the colorectum.

#### **Factors that apply only to material contribution or aggravation**

7. Paragraph **6(k)** applies only to material contribution to, or aggravation of, malignant neoplasm of the colorectum where the person's malignant neoplasm of the colorectum 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 10 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 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;

**"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.

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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 colorectum"** 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 colorectum;

**"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;

**"malignant neoplasm of the colon"** means a primary malignant neoplasm arising from the epithelial cells of the colon. Anatomically the colon is defined as extending from the caecum, including the ileocaecal junction, to the sigmoid colon, not including the rectosigmoid junction. This definition of malignant neoplasm of the colon excludes soft tissue sarcoma, carcinoid tumour, non-Hodgkin's lymphoma and Hodgkin's lymphoma;

**"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, or 1.0 kcal/kg of body weight per hour, or resting metabolic rate;

**"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 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;
- (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.

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**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 3 July 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)<br>/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

## Endnote 3—Legislation history

| Name                                                                                                                              | Registration                  | Commencement      | Application, saving and transitional provisions |
|-----------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------|-------------------------------------------------|
| <i>Statement of Principles concerning malignant neoplasm of the colorectum No. 38 of 2013</i>                                     | 24 June 2013<br>F2013L01130   | 3 July 2013       |                                                 |
| <i>Veterans' Entitlements (Statements of Principles—Cumulative Equivalent Dose) Amendment Determination 2017 (No. 58 of 2017)</i> | 22 August 2017<br>F2017L01067 | 18 September 2017 |                                                 |

Endnote 4—Amendment history

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**Endnote 4—Amendment history**

| Provision affected                                 | How affected                  |
|----------------------------------------------------|-------------------------------|
| Clause 9 – ' "cumulative<br>equivalent dose".....' | rs. Instrument No. 58 of 2017 |