



Statement of Principles concerning malignant neoplasm of the pancreas No. 73 of 2013

made under subsection 196B(2) of the

Veterans' Entitlements Act 1986

Compilation No. 1

Compilation date: 28 May 2018

Includes amendments up to: Amendment Statement of Principles concerning malignant neoplasm of the pancreas No. 51 of 2018 (F2018L00565)

The day of commencement of this Amendment Statement of Principles concerning malignant neoplasm of the pancreas is 28 May 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 pancreas No. 73 of 2013* that shows the text of the law as amended and in force on 28 May 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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
PANCREAS**

No. 73 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 pancreas No. 73 of 2013.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 45 of 2005 concerning malignant neoplasm of the pancreas; 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 pancreas** and **death from malignant neoplasm of the pancreas**.

Statement of Principles concerning Malignant Neoplasm Of The Pancreas
Instrument No. 73 of 2013
Veterans' Entitlements Act 1986

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- (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the pancreas**" means a primary malignant neoplasm arising from the cells of the exocrine pancreas. This definition excludes soft tissue sarcoma, carcinoid tumour, endocrine tumours, non-Hodgkin's lymphoma and Hodgkin's lymphoma.
 - (c) Malignant neoplasm of the pancreas attracts ICD-10-AM code C25.0, C25.1, C25.2, C25.3, C25.7 or C25.8.
 - (d) In the application of this Statement of Principles, the definition of "**malignant neoplasm of the pancreas**" 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 pancreas** and **death from malignant neoplasm of the pancreas** 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 pancreas** or **death from malignant neoplasm of the pancreas** with the circumstances of a person's relevant service is:
 - (a) 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 pancreas, and
 - (i) smoking commenced at least five years before the clinical onset of malignant neoplasm of the pancreas; and
 - (ii) where smoking has ceased, the clinical onset of malignant neoplasm of the pancreas has occurred within 20 years of cessation; or
 - (b) the oral use of smokeless tobacco on more days than not, for at least 20 years before the clinical onset of malignant neoplasm of the pancreas, and where the oral use of smokeless tobacco has ceased, the clinical onset of malignant neoplasm of the pancreas has occurred within 20 years of cessation; or

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- (c) having diabetes mellitus for at least five years before the clinical onset of malignant neoplasm of the pancreas; or
 - (d) having chronic pancreatitis for at least two years before the clinical onset of malignant neoplasm of the pancreas; or
 - (e) inhaling, ingesting or having cutaneous contact with DDT for a cumulative period of at least 1 000 hours before the clinical onset of malignant neoplasm of the pancreas, where the first exposure occurred at least five years before the clinical onset of malignant neoplasm of the pancreas; or
 - (f) being obese for at least five years within the 30 years before the clinical onset of malignant neoplasm of the pancreas; or
 - (g) undergoing a partial gastrectomy at least 20 years before the clinical onset of malignant neoplasm of the pancreas; or
 - (h) having received a cumulative dose of at least 0.1 sievert of ionising radiation to the affected site, from internal deposition of a substance which emits alpha particles, at least five years before the clinical onset of malignant neoplasm of the pancreas; or
 - (i) having cholelithiasis or having undergone a cholecystectomy at least two years before the clinical onset of malignant neoplasm of the pancreas; or
 - (j) inability to obtain appropriate clinical management for malignant neoplasm of the pancreas.

Factors that apply only to material contribution or aggravation

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

"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;

"DDT" means a complex synthetic mixture in which para,para'-dichlorodiphenyltrichloroethane predominates;

"death from malignant neoplasm of the pancreas" 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 pancreas;

"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;

"inhaling, ingesting or having cutaneous contact with DDT" means:

- (a) being involved in the manufacture of DDT;
- (b) being sprayed with DDT;
- (c) cleaning or maintaining equipment used to apply DDT;
- (d) decanting or spraying DDT; or
- (e) wearing or handling clothes contaminated with DDT;

"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 7 300 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 mean cigarettes, pipe tobacco or cigars, smoked alone or in any combination;

"relevant service" means:

- (a) operational service under the VEA;
- (b) peacekeeping service under the VEA;
- (c) hazardous service under the VEA;
- (d) British nuclear test defence service under the VEA;
- (e) warlike service under the MRCA; or
- (f) non-warlike service under the MRCA;

"smokeless tobacco" means tobacco products without combustion or pyrolysis at the time of use, including chewing tobacco and tobacco snuff;

"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 13 November 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 malignant neoplasm of the pancreas No. 73 of 2013</i>	6 November 2013 F2013L01891	13 November 2013	
<i>Amendment Statement of Principles concerning malignant neoplasm of the pancreas No. 51 of 2018</i>	1 May 2018 F2018L00565	28 May 2018	

Endnote 4—Amendment history

Provision affected	How affected
Section 6(e).....	rs Instrument No. 51 of 2018