

Revocation and Determination
of
Statement of Principles
concerning
ADENOCARCINOMA OF THE KIDNEY

ICD CODE: 189.0

Veterans' Entitlements Act 1986

1. The Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the Act):
 - (a) revokes Instrument No.36 of 1995 and Instrument No.274 of 1995; and
 - (b) determines the following Statement of Principles.

Kind of injury, disease or death

2. (a) This Statement of Principles is about **adenocarcinoma of the kidney** and **death from adenocarcinoma of the kidney**.

(b) For the purposes of this Statement of Principles, “**adenocarcinoma of the kidney**” means a malignant neoplasm arising from the renal tubular epithelium, of clear cell, granular, spindle-sarcomatoid or mixed histological pattern, also known as renal cell carcinoma or hypernephroma, attracting ICD code 189.0.

Basis for determining the factors

3. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **adenocarcinoma of the kidney** can be related to relevant service rendered by veterans or members of the Forces.

Factors that must be related to service

4. Subject to clause 6, the factors set out in at least one of the paragraphs in clause 5 must be related to any relevant service rendered by the person.

Factors

5. The factors that must exist before it can be said that, on the balance of probabilities, **adenocarcinoma of the kidney** or **death from adenocarcinoma of the kidney** is connected with the circumstances of a person's relevant service are:

- (a) smoking cigarettes where:
 - (i) at least 20 pack years were consumed before the clinical onset of adenocarcinoma of the kidney; and
 - (ii) smoking commenced at least 10 years before the clinical onset of adenocarcinoma of the kidney; and
 - (iii) where smoking has ceased, the clinical onset has occurred within 20 years of cessation; or
- (b) being exposed to respirable asbestos fibres in an enclosed area at a time when such fibres were being applied, removed, dislodged, cut or drilled, at least ten years before the clinical onset of adenocarcinoma of the kidney; or
- (c) being obese for a period of at least five years, within the 10 years before the clinical onset of adenocarcinoma of the kidney; or
- (d) suffering from renal cystic disease secondary to end stage renal disease before the clinical onset of adenocarcinoma of the kidney; or
- (e) inability to obtain appropriate clinical management for adenocarcinoma of the kidney.

Factors that apply only to material contribution or aggravation

6. Paragraph 5(e) applies only to material contribution to, or aggravation of, adenocarcinoma of the kidney where the person's adenocarcinoma of the kidney was suffered or contracted before or during (but not arising out of) the person's relevant service; paragraph 8(1)(e), 9(1)(e) or 70(5)(d) of the Act refers.

Other definitions

7. For the purposes of this Statement of Principles:

“baseline weight” means the weight level which was being maintained prior to the effect of the particular factor specified;

“being exposed to respirable asbestos fibres” means being in an environment within which asbestos particles become airborne and are able to be breathed into the lungs;

“being obese” means an increase in body weight by way of fat accumulation beyond an arbitrary limit, and due to a cause specified in the Repatriation Medical Authority's Statement about the causes of “being obese” signed by the Chairman of the Authority on 16 August 1996, attracting ICD code 278.0.

The measurement used to define “being obese” is the Body Mass Index (BMI).

The BMI = W/H^2 and where:

W is the person's weight in kilograms and

H is the person's height in metres.

“Being obese” is considered to be present when the BMI is 30 or greater. This definition excludes weight gain not resulting from fat deposition such as gross oedema, peritoneal or pleural effusion, or muscle hypertrophy. “Being obese” develops when energy intake is in excess of expenditure for a sustained period of time.

For a factor to be included as a cause of “being obese” it must have resulted in a significant weight gain, of the order of a 20% increase in baseline weight, and in association with a BMI of 30 or greater;

“ICD code” means a number assigned to a particular kind of injury or disease in the Australian Version of The International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM), effective date of 1 July 1996, copyrighted by the National Coding Centre, Faculty of Health Sciences, University of Sydney, NSW, and having ISBN 0 642 24447 2;

“pack-year” means 7300 cigarettes;

“relevant service” means:

- (a) eligible war service (other than operational service); or
- (b) defence service (other than hazardous service);

“renal cystic disease” means a bilateral condition characterised by three or more cysts per kidney which develops in end stage renal disease, attracting ICD code 593.2. This definition excludes hereditary, polycystic disease of the kidney;

“respirable asbestos fibres” means asbestos fibres, mainly less than 3 micrometres in diameter and greater than 8 micrometres in length.

Application

- 8. This Instrument applies to all matters to which section 120B of the Act applies.

Dated this *Sixteenth* day of *August* 1996

The Common Seal of the)
Repatriation Medical Authority)
was affixed to this instrument)
in the presence of:)

KEN DONALD
CHAIRMAN