

Revocation and Determination
of
Statement of Principles
concerning
**MALIGNANT NEOPLASM OF THE
PROSTATE**

for the purposes of the
Veterans' Entitlements Act 1986
and
Military Rehabilitation and Compensation Act 2004

1. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 84 of 1999, as amended by Instrument No. 69 of 2002; and
 - (b) determines in their place the following Statement of Principles.

Kind of injury, disease or death

2.
 - (a) This Statement of Principles is about **malignant neoplasm of the prostate** and **death from malignant neoplasm of the prostate**.
 - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the prostate**" means a primary malignant neoplasm arising from the cells of the prostate gland. This definition excludes soft tissue sarcoma, carcinoid tumour, non-Hodgkin's lymphoma and Hodgkin's lymphoma.
 - (c) Malignant neoplasm of the prostate attracts ICD-10-AM code C61.
 - (d) In the application of this Statement of Principles, the definition of "**malignant neoplasm of the prostate**" is that given at paragraph 2(b) above.

Basis for determining the factors

3. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **malignant neoplasm of the prostate** and **death from malignant neoplasm of the prostate** 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

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

Factors

5. 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 prostate** or **death from malignant neoplasm of the prostate** with the circumstances of a person's relevant service is:
 - (a) inhaling or absorbing a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD) for a cumulative period of at least thirty days, at least five years before the clinical onset of malignant neoplasm of the prostate; or
 - (b) being:
 - (i) on land in Vietnam, or
 - (ii) at sea in Vietnamese waters, or
 - (iii) on board a vessel and consuming potable water supplied on that vessel, when the water supply had been produced by evaporative distillation of estuarine Vietnamese waters, for a cumulative period of at least thirty days, at least five years before the clinical onset of malignant neoplasm of the prostate; or
 - (c) increasing animal fat consumption by at least 40% and to at least 50gm/day, and maintaining these levels for at least five years within the twenty-five years before the clinical onset of malignant neoplasm of the prostate; or
 - (d) inability to obtain appropriate clinical management for malignant neoplasm of the prostate.

Factors that apply only to material contribution or aggravation

6. Paragraph 5(d) applies only to material contribution to, or aggravation of, malignant neoplasm of the prostate where the person's malignant neoplasm of the prostate was suffered or contracted before or during (but not arising out of) the person's relevant service.

Inclusion of Statements of Principles

7. 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

8. For the purposes of this Statement of Principles:

“animal fat” means fat contained in or derived from:

- (a) meat, other flesh or offal from animals (including birds but excluding seafood);
- (b) dairy products; or
- (c) eggs from birds;

“being:

- (i) **on land in Vietnam, or**
- (ii) **at sea in Vietnamese waters,”** means service in at least one of the areas and at the times described in Items 4 and 8 of Schedule 2 of the VEA;

“death from malignant neoplasm of the prostate” 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 prostate;

“estuarine Vietnamese waters” means at least one of the waterways or harbours in the relevant areas described in Items 4 and 8 of Schedule 2 of the VEA;

“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), Fourth Edition, effective date of 1 July 2004, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 594 1;

“inhaling or absorbing a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD)” means:

- (a) decanting or spraying,
- (b) cleaning or maintaining equipment used to apply,
- (c) being sprayed with,
- (d) handling or sawing timber treated with, or
- (e) being in an environment shrouded in dust from timber treated with,

one of the following chemicals

- 2,4,5-trichlorophenoxyacetic acid,
- 2,4,5-trichlorophenoxypropionic acid,
- 2,4,5-trichlorophenol,
- 2-(2,4,5-trichlorophenoxy)-ethyl 2,2-dichloropropionate,
- *o,o*-dimethyl-*o*-(2,4,5-trichlorophenyl)-phosphorothioate,
- pentachlorophenol,
- 2,3,4,6-tetrachlorophenol,
- 2,4,6-trichlorophenol,
- 1,3,4-trichloro-2-(4-nitrophenoxy)benzene,
- 2,4-dichloro-1-(4-nitrophenoxy)benzene, or
- 2,4-dichloro-1-(3-methoxy-4-nitrophenoxy)-benzene;

“potable water” means water used for drinking water, food preparation and beverage production;

“relevant service” means:

- (a) operational service under the VEA; or
- (b) peacekeeping service under the VEA; or
- (c) hazardous service under the VEA; or
- (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

- 9.** This Instrument applies to all matters to which section 120A of the VEA or section 338 of the MRCA applies.

Date of effect

10. This Instrument takes effect from 28 September 2005.

Dated this *nineteenth* day of *September* 2005

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

KEN DONALD
CHAIRPERSON