

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(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 85 of 1999, as amended by Instrument No. 70 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. 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 prostate** and **death from malignant neoplasm of the prostate** 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

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 exist before it can be said that, on the balance of probabilities, **malignant neoplasm of the prostate** or **death from malignant neoplasm of the prostate** is connected with the circumstances of a person's relevant service is:
 - (a) increasing animal fat consumption by at least 40% and to at least 50gm/day, and maintaining these levels for at least ten years within the twenty-five years before the clinical onset of malignant neoplasm of the prostate; or
 - (b) inability to obtain appropriate clinical management for malignant neoplasm of the prostate.

Factors that apply only to material contribution or aggravation

6. Paragraph 5(b) 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;

“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;

“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;

“relevant service” means:

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

9. This Instrument applies to all matters to which section 120B of the VEA or section 339 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