

Statement of Principles
concerning

**MALIGNANT NEOPLASM OF THE
GALLBLADDER**

No. 67 of 2007

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 gallbladder No. 67 of 2007.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 36 of 1999 concerning malignant neoplasm of the gallbladder; 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 gallbladder** and **death from malignant neoplasm of the gallbladder**.
 - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the gallbladder**" means a primary malignancy arising from the cells of the gallbladder. This definition excludes soft tissue sarcoma, carcinoid tumour, non-Hodgkin's lymphoma and Hodgkin's lymphoma.

- (c) Malignant neoplasm of the gallbladder attracts ICD-10-AM code C23.
- (d) In the application of this Statement of Principles, the definition of "**malignant neoplasm of the gallbladder**" 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 gallbladder** and **death from malignant neoplasm of the gallbladder** 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 gallbladder** or **death from malignant neoplasm of the gallbladder** with the circumstances of a person's relevant service is:
 - (a) having cholelithiasis before the clinical onset of malignant neoplasm of the gallbladder; or
 - (b) being a chronic typhoid carrier before the clinical onset of malignant neoplasm of the gallbladder; or
 - (c) having ulcerative colitis before the clinical onset of malignant neoplasm of the gallbladder; or
 - (d) having sclerosing cholangitis before the clinical onset of malignant neoplasm of gallbladder; or
 - (e) having received a cumulative dose of at least 0.05 Sievert of ionising radiation to the affected site, from internal deposition of a substance which emits alpha particles, at least two years before the clinical onset of malignant neoplasm of the gallbladder; or
 - (f) inability to obtain appropriate clinical management for malignant neoplasm of the gallbladder.

Factors that apply only to material contribution or aggravation

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

"a chronic typhoid carrier" means a person with evidence of excretion of *Salmonella typhi* in stools or urine (or repeated positive bile or duodenal string cultures) for longer than one year after the onset of acute typhoid fever;

"death from malignant neoplasm of the gallbladder" 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 gallbladder;

"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), Fifth Edition, effective date of 1 July 2006, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 772 3;

"relevant service" means:

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

"sclerosing cholangitis" means a disorder characterised by a progressive, inflammatory, sclerosing and obliterative process in the bile duct;

"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 9 May 2007.

Dated this **twenty-fourth** day of
April 2007

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

KEN DONALD
CHAIRPERSON