

Statement of Principles
concerning

BENIGN PROSTATIC HYPERPLASIA

No. 19 of 2008

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 benign prostatic hyperplasia No. 19 of 2008.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 133 of 1995 concerning benign prostatic hypertrophy; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **benign prostatic hyperplasia** and **death from benign prostatic hyperplasia**.
 - (b) For the purposes of this Statement of Principles, "**benign prostatic hyperplasia**" means a non-malignant enlargement of the prostate resulting from proliferation of both glandular and stromal elements.
 - (c) Benign prostatic hyperplasia attracts ICD-10-AM code N40.

- (d) In the application of this Statement of Principles, the definition of "**benign prostatic hyperplasia**" 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 **benign prostatic hyperplasia** and **death from benign prostatic hyperplasia** 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 **benign prostatic hyperplasia** or **death from benign prostatic hyperplasia** with the circumstances of a person's relevant service is:
- (a) an inability to undertake any physical activity greater than three METs for at least the five years before the clinical onset of benign prostatic hyperplasia; or
 - (b) an inability to undertake any physical activity greater than three METs for at least the five years before the clinical worsening of benign prostatic hyperplasia; or
 - (c) inability to obtain appropriate clinical management for benign prostatic hyperplasia.

Factors that apply only to material contribution or aggravation

7. Paragraphs **6(b) to 6(c)** apply only to material contribution to, or aggravation of, benign prostatic hyperplasia where the person's benign prostatic hyperplasia 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:

"death from benign prostatic hyperplasia" in relation to a person includes death from a terminal event or condition that was contributed to by the person's benign prostatic hyperplasia;

"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;

"MET" means a unit of measurement of the level of physical exertion. 1 MET = 3.5 ml of oxygen/kg of body weight per minute or, 1.0 kcal/kg of body weight per hour, or resting metabolic rate;

"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;

"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 5 March 2008.

Dated this *twentieth* day of *February* 2008

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

KEN DONALD
CHAIRPERSON