



Australian Government
Repatriation Medical Authority

Amendment Statement of Principles
concerning

**MALIGNANT NEOPLASM OF THE
PROSTATE**

No. 20 of 2017

for the purposes of the

Veterans' Entitlements Act 1986
and

Military Rehabilitation and Compensation Act 2004

1. This Instrument may be cited as Amendment Statement of Principles concerning malignant neoplasm of the prostate No. 20 of 2017.
2. In accordance with the Specialist Medical Review Council Declaration No. 30 of 19 September 2016 under subsection 196W(4) of the *Veterans' Entitlements Act 1986* (the VEA), the Repatriation Medical Authority amends, pursuant to subsections 196B(8) and (10) of the VEA, Statement of Principles concerning malignant neoplasm of the prostate Instrument No. 54 of 2014, in the following manner:

Clause	Amendment
4	<p><i>Repeal existing clause 4 'Basis for determining the factors' and substitute the following:</i></p> <p>'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 <i>Military Rehabilitation and Compensation Act 2004</i> (the MRCA).'</p>
5	<p><i>Repeal existing clause 5 'Factors that must be related to service' and substitute the following:</i></p> <p>'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.'</p>

6	<p><i>Relocate existing clause 6 ‘Other definitions’ to clause 9 and add the following definition:</i></p> <p>“pack-years of cigarettes, or the equivalent thereof in other tobacco products” means a calculation of consumption where one pack-year of cigarettes equals twenty tailor-made cigarettes per day for a period of one calendar year, or 7 300 cigarettes. One tailor-made cigarette approximates one gram of tobacco or one gram of cigar or pipe tobacco by weight. One pack-year of tailor-made cigarettes equates to 7.3 kilograms of smoking tobacco by weight. Tobacco products mean cigarettes, pipe tobacco or cigars, smoked alone or in any combination;’</p>
6	<p><i>Insert a new clause 6 and heading as follows:</i></p> <p>Factors</p> <p>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:</p> <p>(a) smoking at least 15 pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical worsening of malignant neoplasm of the prostate, and where smoking has ceased, the clinical worsening of malignant neoplasm of the prostate has occurred within ten years of cessation; or</p> <p>(b) inability to obtain appropriate clinical management for malignant neoplasm of the prostate.’</p>
7	<p><i>Relocate existing clause 7 ‘Application’ to clause 10.</i></p>
7	<p><i>Insert a new clause 7 and heading as follows:</i></p> <p>Factors that apply only to material contribution or aggravation</p> <p>Paragraphs 6(a) and 6(b) apply 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.’</p>
8	<p><i>Relocate existing clause 8 ‘Date of effect’ to clause 11.</i></p>
8	<p><i>Insert a new clause 8 and heading as follows:</i></p> <p>Inclusion of Statement of Principles</p> <p>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.’</p>

3. The amendments made by this instrument apply to all matters to which Instrument No. 54 of 2014, section 120B of the VEA and section 339 of the *Military Rehabilitation and Compensation Act 2004* apply.

4. This instrument commences on 21 September 2016.

Dated this *twentieth* day of *December* 2016

The Common Seal of the)
Repatriation Medical Authority)
was affixed to this instrument)
at the direction of:)



PROFESSOR NICHOLAS SAUNDERS AO
CHAIRPERSON