



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
MALIGNANT NEOPLASM OF THE
PANCREAS
(Balance of Probabilities)
(No. 104 of 2021)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 1 October 2021

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

Professor Terence Campbell AM
Chairperson

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- 1 Name**
This is the Statement of Principles concerning *malignant neoplasm of the pancreas (Balance of Probabilities)* (No. 104 of 2021).
- 2 Commencement**
This instrument commences on 1 November 2021.
- 3 Authority**
This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.
- 4 Repeal**
The Statement of Principles concerning malignant neoplasm of the pancreas No. 74 of 2013 (Federal Register of Legislation No. F2013L01893) made under subsection 196B(3) of the VEA is repealed.
- 5 Application**
This instrument applies to a claim to which section 120B of the VEA or section 339 of the *Military Rehabilitation and Compensation Act 2004* applies.
- 6 Definitions**
The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.
- 7 Kind of injury, disease or death to which this Statement of Principles relates**
 - (1) This Statement of Principles is about malignant neoplasm of the pancreas and death from malignant neoplasm of the pancreas.

*Meaning of **malignant neoplasm of the pancreas***
 - (2) For the purposes of this Statement of Principles, malignant neoplasm of the pancreas:
 - (a) means a primary malignant neoplasm arising from the cells of the exocrine pancreas; and
 - (b) excludes soft tissue sarcoma, carcinoid tumour, endocrine tumours, non-Hodgkin lymphoma and Hodgkin's lymphoma.
 - (3) While malignant neoplasm of the pancreas attracts ICD-10-AM code C25.0, C25.1, C25.2, C25.3, C25.7 or C25.8, in applying this Statement of Principles the meaning of malignant neoplasm of the pancreas is that given in subsection (2).
 - (4) For subsection (3), a reference to an ICD-10-AM code is a reference to the code assigned to a particular kind of injury or disease in *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification* (ICD-10-AM),

Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

Death from malignant neoplasm of the pancreas

- (5) For the purposes of this Statement of Principles, malignant neoplasm of the pancreas, 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 pancreas.

Note: *terminal event* is defined in the Schedule 1 - Dictionary.

8 Basis for determining the factors

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 pancreas and death from malignant neoplasm of the pancreas can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *MRCA*, *relevant service* and *VEA* are defined in the Schedule 1 - Dictionary.

9 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, malignant neoplasm of the pancreas or death from malignant neoplasm of the pancreas is connected with the circumstances of a person's relevant service:

- (1) having smoked tobacco products:
- (a) in an amount of at least 20 pack-years before the clinical onset of malignant neoplasm of the pancreas; and
 - (b) commencing at least 10 years before the clinical onset of malignant neoplasm of the pancreas; and

if smoking has ceased before the clinical onset of malignant neoplasm of the pancreas, then that onset occurred within 15 years of cessation;

Note: *one pack-year* is defined in the Schedule 1 - Dictionary.

- (2) the oral use of smokeless tobacco:
- (a) on more days than not; and
 - (b) for at least 40 years before the clinical onset of malignant neoplasm of the pancreas; and

if the oral use of smokeless tobacco has ceased before the clinical onset of malignant neoplasm of the pancreas, then that onset occurred within 15 years of cessation;

Note: *smokeless tobacco* is defined in the Schedule 1 - Dictionary.

- (3) being overweight or obese for at least 10 years within the 30 years before the clinical onset of malignant neoplasm of the pancreas;

Note: *being overweight or obese* is defined in the Schedule 1 - Dictionary.

- (4) having diabetes mellitus for at least 10 years before the clinical onset of malignant neoplasm of the pancreas;
- (5) having chronic pancreatitis for at least 5 years before the clinical onset of malignant neoplasm of the pancreas;
- (6) inability to obtain appropriate clinical management for malignant neoplasm of the pancreas.

10 Relationship to service

- (1) The existence in a person of any factor referred to in section 9, must be related to the relevant service rendered by the person.
- (2) The factor set out in subsection 9(6) applies only to material contribution to, or aggravation of, malignant neoplasm of the pancreas where the person's malignant neoplasm of the pancreas was suffered or contracted before or during (but did not arise out of) the person's relevant service.

11 Factors referring to an injury or disease covered by another Statement of Principles

In this Statement of Principles:

- (1) if a factor referred to in section 9 applies in relation to a person; and
- (2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(3) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

being overweight or obese means:

- (a) having a Body Mass Index (BMI) of 25 or greater; or
- (b) for males, having a waist circumference exceeding 94 centimetres; or
- (c) for females, having a waist circumference exceeding 80 centimetres.

Note: **BMI** is also defined in the Schedule 1 - Dictionary.

BMI means W/H^2 where:

- (a) W is the person's weight in kilograms; and
- (b) H is the person's height in metres.

malignant neoplasm of the pancreas—see subsection 7(2).

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

one pack-year means the amount of tobacco consumed in smoking 20 cigarettes per day for a period of one year, or an equivalent amount of tobacco products.

Note 1: An equivalent amount of tobacco products is 7,300 grams of smoking tobacco by weight, either in cigarettes, pipe tobacco or cigars, or a combination of same. For pipe tobacco, cigars or combinations of multiple tobacco types, 1 gram of tobacco is considered to be equal to one cigarette.

Note 2: Pack-years are calculated by dividing the number of cigarettes smoked per day by 20 and multiplying this number by the number of years the person has smoked. For example, smoking 10 cigarettes per day for 10 years is equal to 5 pack-years, and smoking 40 cigarettes per day for 10 years is equal to 20 pack-years.

relevant service means:

- (a) eligible war service (other than operational service) under the VEA;
- (b) defence service (other than hazardous service and British nuclear test defence service) under the VEA; or
- (c) peacetime service under the MRCA.

Note: **MRCA** and **VEA** are also defined in the Schedule 1 - Dictionary.

smokeless tobacco means tobacco products without combustion or pyrolysis at the time of use, including chewing tobacco and tobacco snuff.

terminal event means the proximate or ultimate cause of death and includes the following:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

VEA means the *Veterans' Entitlements Act 1986*.