



**Australian Government**  
**Repatriation Medical Authority**

**Statement of Principles**  
**concerning**  
**MALIGNANT NEOPLASM OF THE**  
**PROSTATE**  
**(Balance of Probabilities)**  
**(No. 4 of 2023)**

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

Dated 23 December 2022.

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

Professor Terence Campbell AM  
Chairperson

# Contents

1	Name .....	3
2	Commencement .....	3
3	Authority .....	3
4	Repeal .....	3
5	Application.....	3
6	Definitions .....	3
7	Kind of injury, disease or death to which this Statement of Principles relates .....	3
8	Basis for determining the factors .....	4
9	Factors that must exist.....	4
10	Relationship to service.....	5
11	Factors referring to an injury or disease covered by another Statement of Principles .....	5
<b>Schedule 1 - Dictionary .....</b>		<b>6</b>
1	Definitions .....	6

## **1 Name**

This is the Statement of Principles concerning *malignant neoplasm of the prostate (Balance of Probabilities)* (No. 4 of 2023).

## **2 Commencement**

This instrument commences on 23 January 2023.

## **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 prostate No. 54 of 2014 (Federal Register of Legislation No. F2014L00523) made under subsections 196B(3) and (8) of the VEA is repealed.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 prostate and death from malignant neoplasm of the prostate.

### *Meaning of malignant neoplasm of the prostate*

- (2) For the purposes of this Statement of Principles, malignant neoplasm of the prostate:
  - (a) means a primary malignant neoplasm arising from the epithelial cells of the prostate gland; and
  - (b) includes high grade prostatic intraepithelial neoplasia; and
  - (c) excludes:
    - (i) haematolymphoid tumours (including non-Hodgkin lymphoma and Hodgkin lymphoma);
    - (ii) low grade prostatic intraepithelial neoplasia;
    - (iii) malignant melanoma;

- (iv) mesenchymal tumours (including soft tissue sarcoma);  
and
  - (v) primary neuroendocrine tumours.
- (3) While malignant neoplasm of the prostate attracts ICD-10-AM code C61, in applying this Statement of Principles the meaning of malignant neoplasm of the prostate 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 prostate*

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

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 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 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 prostate or death from malignant neoplasm of the prostate is connected with the circumstances of a person's relevant service:

- (1) being exposed to arsenic as specified before the clinical onset of malignant neoplasm of the prostate, where the first exposure to arsenic occurred at least 10 years before the clinical onset of malignant neoplasm of the prostate;

Note: *being exposed to arsenic as specified* is defined in the Schedule 1 - Dictionary.

- (2) having smoked tobacco products:
- (a) in an amount of at least 15 pack-years before the clinical worsening of malignant neoplasm of the prostate; and

- (b) commencing at least 5 years before the clinical worsening of malignant neoplasm of the prostate; and

if smoking has ceased before the clinical worsening of malignant neoplasm of the prostate, then that worsening occurred within 10 years of cessation;

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

- (3) being obese for at least 10 years within the 20 years before the clinical worsening of malignant neoplasm of the prostate;

Note: *being obese* is defined in the Schedule 1 – Dictionary.

- (4) inability to obtain appropriate clinical management for malignant neoplasm of the prostate.

## **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 factors set out in subsections 9(2) to 9(4) 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 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 exposed to arsenic as specified*** means:

- (a) consuming drinking water with an average arsenic concentration of at least 50 micrograms per litre for a cumulative period of at least 10 years; or
- (b) consuming drinking water resulting in a cumulative total arsenic exposure equivalent to having consumed drinking water containing at least 50 micrograms per litre for at least 10 years; or
- (c) having clinical evidence of chronic arsenic toxicity.

***being obese*** means:

- (a) having a Body Mass Index (BMI) of 30 or greater; or
- (b) for males, having a waist circumference exceeding 102 centimetres; or
- (c) for females, having waist circumference exceeding 88 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 prostate*** - see subsection 7(2).

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

***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.

***one pack-year*** means the amount of tobacco consumed in smoking 20 cigarettes per day for a period of 1 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.

***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*.