

REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 21 of 2011

VETERANS' ENTITLEMENTS ACT 1986 *MILITARY REHABILITATION AND COMPENSATION ACT 2004*

EXPLANATORY NOTES FOR TABLING

1. The Repatriation Medical Authority (the Authority), under subsection 196B(8) of the *Veterans' Entitlements Act 1986* (the VEA), revokes Instrument No. 171 of 1996, determined under subsection 196B(2) of the VEA concerning **malignant neoplasm of the liver**.
2. The Authority is of the view that there is sound medical-scientific evidence that indicates that **malignant neoplasm of the liver** and **death from malignant neoplasm of the liver** can be related to particular kinds of service. The Authority has therefore determined pursuant to subsection 196B(2) of the VEA a Statement of Principles, Instrument No. 21 of 2011 concerning malignant neoplasm of the liver. This Instrument will in effect replace the revoked Statement of Principles.
3. The provisions of the *Military Rehabilitation and Compensation Act 2004* (the MRCA) relating to claims for compensation commenced on 1 July 2004. Claims under section 319 of the MRCA for acceptance of liability for a service injury sustained, a service disease contracted or service death on or after 1 July 2004 are determined by the Military Rehabilitation and Compensation Commission by reference to Statements of Principles issued by the Authority pursuant to the VEA.
4. The Statement of Principles sets out the factors that must as a minimum exist, and which of those factors must be related to the following kinds of service rendered by a person:
 - operational service under the VEA;
 - peacekeeping service under the VEA;
 - hazardous service under the VEA;
 - warlike service under the MRCA;
 - non-warlike service under the MRCA,

before it can be said that a reasonable hypothesis has been raised connecting malignant neoplasm of the liver or death from malignant neoplasm of the liver, with the circumstances of that service.

5. This Instrument results from an investigation notified by the Authority in the Government Notices Gazette of 8 November 2006 concerning malignant

neoplasm of the liver in accordance with section 196G of the VEA. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority, including the sound medical-scientific evidence it has previously considered.

6. The contents of this Instrument are in similar terms as the revoked Instrument. Comparing this Instrument and the revoked Instrument, the differences include:
 - adopting the latest revised Instrument format, which commenced in 2005;
 - deleting the ICD code from the Instrument header;
 - revising the definition of 'malignant neoplasm of the liver' in clause 3;
 - revising factor 6(a) concerning 'chronic infection with the hepatitis B virus';
 - revising factor 6(b) concerning 'chronic infection with the hepatitis C virus';
 - revising factor 6(c) concerning 'cirrhosis of the liver';
 - revising factor 6(d) concerning 'alcohol';
 - revising factor 6(e) concerning 'smoking';
 - revising factor 6(f) concerning 'aflatoxins';
 - new factor 6(g) concerning 'ionising radiation';
 - new factor 6(h) concerning 'type 2 diabetes mellitus';
 - new factor 6(i) concerning 'being obese';
 - new factor 6(j) concerning 'the combined oral contraceptive pill';
 - new factor 6(k) concerning 'a cumulative dose of gaseous vinyl chloride';
 - new factor 6(l) concerning 'working in the production or processing of vinyl chloride monomer or polyvinyl chloride';
 - new factor 6(m) concerning 'steatohepatitis';
 - new factor 6(n) concerning 'anabolic-androgenic steroids';
 - new factor 6(o) concerning 'immunosuppressive drugs';
 - new factor 6(p) concerning 'human immunodeficiency virus';
 - new factor 6(q) concerning 'betel quid or areca nut';
 - new factor 6(r) concerning 'arsenic';
 - new definitions of 'being exposed to arsenic as specified', 'being obese', 'chronic infection with the hepatitis B virus', 'chronic infection with the hepatitis C virus', 'combined oral contraceptive pill', 'cumulative equivalent dose', 'death from malignant neoplasm of the liver', 'ICD-10-AM code', 'immunosuppressive drugs', 'pack-years of cigarettes, or the equivalent thereof in other tobacco products', 'ppm-years' and 'terminal event' in clause 9;
 - revising definitions of 'alcohol' and 'relevant service' in clause 9;
 - deleting definitions of 'being heavily exposed to aflatoxins', 'cirrhosis of the liver', 'hepatitis B with evidence of chronicity', 'hepatitis C', 'hepatocellular carcinoma', 'ICD code' and 'pack-year'; and
 - specifying a date of effect for the Instrument in clause 11.
7. Further changes to the format of the Instrument reflect the commencement of the MRCA and clarify that pursuant to subsection 196B(3A) of the VEA, the Statement of Principles has been determined for the purposes of both the VEA and the MRCA.

8. Prior to determining this Instrument, the Authority advertised its intention to undertake an investigation in relation to malignant neoplasm of the liver in the Government Notices Gazette of 8 November 2006, and circulated a copy of the notice of intention to investigate to a wide range of organisations representing veterans, service personnel and their dependants. The Authority invited submissions from the Repatriation Commission, organisations and persons referred to in section 196E of the VEA, and any person having expertise in the field. No submissions were received for consideration by the Authority during the investigation.
9. The determining of this Instrument finalises the investigation in relation to malignant neoplasm of the liver as advertised in the Government Notices Gazette of 8 November 2006.
10. A list of references relating to the above condition is available to any person or organisation referred to in subsection 196E(1)(a) to (c) of the VEA. Any such request must be made in writing to the Repatriation Medical Authority at the following address:

The Registrar
Repatriation Medical Authority Secretariat
GPO Box 1014
BRISBANE QLD 4001