



Australian Government
Repatriation Medical Authority

Statement of Principles concerning

MALIGNANT NEOPLASM OF THE RENAL PELVIS AND URETER

No. 98 of 2011

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 malignant neoplasm of the renal pelvis and ureter No. 98 of 2011.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 155 of 1996 concerning malignant neoplasm of the renal pelvis and ureter; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **malignant neoplasm of the renal pelvis and ureter** and **death from malignant neoplasm of the renal pelvis and ureter**.
 - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the renal pelvis and ureter**" means a primary malignancy arising from epithelial tissues of the upper urinary tract, from the renal calyces to the distal ureter, but excluding malignant neoplasm of the ureteric orifice of the bladder. This definition includes

transitional cell carcinomas of urothelial origin occurring in the renal calyx, renal pelvis, pelviureteric junction or ureter. This definition includes carcinoma-in situ of the upper urinary tract, but excludes soft tissue sarcoma, non-Hodgkin's lymphoma and Hodgkin's lymphoma.

- (c) Malignant neoplasm of the renal pelvis and ureter attracts ICD-10-AM code C65 or C66.
- (d) In the application of this Statement of Principles, the definition of "**malignant neoplasm of the renal pelvis and ureter**" 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 **malignant neoplasm of the renal pelvis or ureter** and **death from malignant neoplasm of the renal pelvis or ureter** 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 **malignant neoplasm of the renal pelvis or ureter** or **death from malignant neoplasm of the renal pelvis or ureter** with the circumstances of a person's relevant service is:
 - (a) smoking at least five pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of malignant neoplasm of the renal pelvis or ureter, where smoking commenced at least ten years before the clinical onset of malignant neoplasm of the renal pelvis or ureter; or
 - (b) having received a cumulative equivalent dose of at least 0.1 sievert of ionising radiation to the affected site at least five years before the clinical onset of malignant neoplasm of the renal pelvis or ureter; or
 - (c) being exposed to arsenic as specified before the clinical onset of malignant neoplasm of the renal pelvis or ureter, where the first exposure to arsenic occurred at least ten years before the clinical onset of malignant neoplasm of the renal pelvis or ureter; or
 - (d) ingesting aristolochic acid as specified at least five years before the clinical onset of malignant neoplasm of the renal pelvis or ureter; or

- (e) having renal stone disease of the affected urinary tract at least five years before the clinical onset of malignant neoplasm of the renal pelvis or ureter; or
- (f) having hydronephrosis of the affected urinary tract at least five years before the clinical onset of malignant neoplasm of the renal pelvis or ureter; or
- (g) having a chronic renal condition, of sufficient severity to require dialysis or renal transplanation, at least one year before the clinical onset of malignant neoplasm of the renal pelvis or ureter; or
- (h) consuming a total of at least 100 grams of phenacetin at least five years before the clinical onset of malignant neoplasm of the renal pelvis or ureter; or
- (i) being treated with systemic cyclophosphamide or systemic ifosfamide, at least five years before the clinical onset of malignant neoplasm of the renal pelvis or ureter; or
- (j) inhaling fumes containing high concentrations of polycyclic aromatic hydrocarbons, or ingesting polycyclic aromatic hydrocarbons, in the specified circumstances for a cumulative period of at least 5000 hours before the clinical onset of malignant neoplasm of the renal pelvis or ureter, where the first exposure occurred at least ten years before the clinical onset of malignant neoplasm of the renal pelvis or ureter; or
- (k) inhaling fumes containing a high concentration of an aromatic amine from the specified list, or ingesting or having cutaneous contact with an aromatic amine from the specified list, for a cumulative period of at least 500 days within a continuous period of five years before the clinical onset of malignant neoplasm of the renal pelvis or ureter, where the first exposure occurred at least ten years before the clinical onset of malignant neoplasm of the renal pelvis or ureter; or
- (l) working as a painter for a cumulative period of at least 10 000 hours before the clinical onset of malignant neoplasm of the renal pelvis or ureter, and where exposure has ceased, the clinical onset of malignant neoplasm of the renal pelvis or ureter occurred within 30 years of cessation; or
- (m) inability to obtain appropriate clinical management for malignant neoplasm of the renal pelvis or ureter.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(m) applies only to material contribution to, or aggravation of, malignant neoplasm of the renal pelvis or ureter where the person's malignant

neoplasm of the renal pelvis or ureter 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:

"an aromatic amine from the specified list" means:

- (a) 4-aminobiphenyl;
- (b) 2-naphthylamine;
- (c) benzidine; or
- (d) ortho-toluidine;

"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 ten years;
- (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 ten years; or
- (c) having clinical evidence of chronic arsenic toxicity;

"cumulative equivalent dose" means the total dose of ionising radiation received by the particular organ or tissue. The formula used to calculate the cumulative equivalent dose allows doses from multiple types of ionising radiation to be combined, by accounting for their differing biological effect. The unit of equivalent dose is the sievert. For the purposes of this Statement of Principles, the calculation of cumulative equivalent dose excludes doses received from normal background radiation, but includes therapeutic radiation, diagnostic radiation, cosmic radiation at high altitude, radiation from occupation-related sources and radiation from nuclear explosions or accidents;

"death from malignant neoplasm of the renal pelvis or ureter" 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 renal pelvis or ureter;

"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), Seventh Edition, effective date of 1 July 2010, copyrighted by the National

Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 154 5;

"in the specified circumstances" means:

- (a) while working with creosote;
- (b) while working with coal-tar pitch, coal-tar or asphalt;
- (c) while working in the coal gasification, fuel coke, carbon electrode manufacturing or the coal-tar distillation industries;
- (d) while being exposed to coke oven emissions;
- (e) while being exposed to soot during chimney sweeping; or
- (f) while working in the aluminium production industry;

"ingesting aristolochic acid as specified" means:

- (a) consuming a total of at least 100 grams of plant material of the genus *Aristolochia* as a constituent of herbal medication; or
- (b) consuming plant material of the genus *Aristolochia* or foods containing plant material of the genus *Aristolochia*, as part of the regular diet for a period of at least 15 months;

"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 7300 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 7300 cigarettes, or 7.3 kilograms of smoking tobacco by weight. Tobacco products means either cigarettes, pipe tobacco or cigars smoked, alone or in any combination;

"phenacetin" means an aniline derivative that has analgesic and antipyretic properties, and was formerly used as a constituent of several over-the-counter compound analgesic medications, including Bex or Vincent's powder, Empirin Compound and Bromo seltzer. Phenacetin is also known as acetophenetidin, aceto-p-phenetidine, acetylphenetidin, phenacetinum, N-(4-ethoxyphenyl) acetamide, p-ethoxyacetanilide, or CAS 62-44-2;

"polycyclic aromatic hydrocarbons" means hydrocarbons with three or more condensed aromatic rings in which certain carbon atoms are common to two or three rings. A common example is benzo[a]pyrene. Polycyclic aromatic hydrocarbons occur in crude oil, shale oil and coal tars, and can be formed during the combustion of organic material or during high temperature processing of crude oil, coal, coke or other industrial carbon compounds;

"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;

"working as a painter" means applying paints, including solvent- or water-based conventional paints, spray paints, varnishes, enamels, lacquers, water-emulsion and solution finishes, nonaqueous dispersions or organosols, plastisols, and powder coatings, during the course of activities such as building, maintenance and construction, interior and exterior decoration, artistic painting, and wood and metal painting. This definition includes mixed activities in which application of paints occurs with other tasks such as wallpapering and plastering. This definition includes activities that are preparatory to painting, such as mixing paints, maintaining painting equipment, and background preparation of surfaces for application of paint.

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 31 August 2011.

Dated this *nineteenth* day of *August* 2011

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

KEN DONALD
CHAIRPERSON