



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
MALIGNANT NEOPLASM OF THE
PROSTATE
(Reasonable Hypothesis)
(No. 3 of 2023)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(2) 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

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1 Name

This is the Statement of Principles concerning *malignant neoplasm of the prostate (Reasonable Hypothesis)* (No. 3 of 2023).

2 Commencement

This instrument commences on 23 January 2023.

3 Authority

This instrument is made under subsection 196B(2) of the *Veterans' Entitlements Act 1986*.

4 Repeal

The Statement of Principles concerning malignant neoplasm of the prostate No. 53 of 2014 (Federal Register of Legislation No. F2014L00522) made under subsections 196B(2) and (8) of the VEA is repealed.

5 Application

This instrument applies to a claim to which section 120A of the VEA or section 338 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

The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that malignant neoplasm of the prostate and death from malignant neoplasm of the prostate 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 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 as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting malignant neoplasm of the prostate or death from malignant neoplasm of the prostate with the circumstances of a person's relevant service:

- (1) inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD):
- (a) for a cumulative period of at least 1,000 hours, within a consecutive period of 10 years, before the clinical onset of malignant neoplasm of the prostate; and
 - (b) where the first exposure occurred at least 5 years before the clinical onset of malignant neoplasm of the prostate;

Note: *inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD)* is defined in the Schedule 1 – Dictionary

- (2) being:
- (a) on land in Vietnam; or
 - (b) at sea in Vietnamese waters; or
 - (c) on board a vessel and consuming potable water supplied on that vessel, when the water supply had been produced by evaporative distillation of estuarine Vietnamese waters; for a cumulative period of at least 30 days, at least 5 years before the clinical onset of malignant neoplasm of the prostate;

Note: *being*:

- (a) *on land in Vietnam*; or
- (b) *at sea in Vietnamese waters, estuarine Vietnamese waters* and *potable water* are defined in the Schedule 1 - Dictionary.

- (3) consuming an average of at least 400 grams per day of dairy products, for at least 5 years within the 20 years before the clinical onset of malignant neoplasm of the prostate;
- (4) 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.

- (5) inhaling fumes, vapours or dusts containing hexavalent chromium (chromium VI), while working in an industry or manufacturing process generating high concentrations of hexavalent chromium compounds:
- (a) for a cumulative period of at least 1,500 hours before the clinical onset of malignant neoplasm of the prostate; and
 - (b) where the first inhalation of fumes, vapours or dusts occurred at least 5 years before the clinical onset of malignant neoplasm of the prostate;

Note: Examples of industrial processes or workplace practices where exposure to hexavalent chromium compounds can occur include working in the manufacturing or handling of stainless steel, working as a mason or concrete worker dealing with cement that contains chromates, and work involving chromate production and chromate electroplating.

- (6) having received a cumulative equivalent dose of at least 0.1 sievert of ionising radiation to the prostate at least 5 years before the clinical onset of malignant neoplasm of the prostate;

Note: *cumulative equivalent dose* is defined in the Schedule 1 – Dictionary.

- (7) having periodontitis for at least 5 years within the 20 years before the clinical onset of malignant neoplasm of the prostate;
- (8) consuming alcohol in an amount of at least 100 kilograms within any 10 year period before the clinical worsening of malignant neoplasm of the prostate;

Note: Alcohol consumption is calculated utilising the Australian Standard of 10 grams of alcohol per standard alcoholic drink.

- (9) having smoked tobacco products:
- (a) in an amount of at least 10 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 20 years of cessation;

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

- (10) the use of smokeless tobacco:
- (a) on more days than not; and
 - (b) for at least 10 years before the clinical worsening of malignant neoplasm of the prostate; and

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

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

- (11) being obese for at least 5 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.

- (12) having diabetes mellitus for at least 5 years before the clinical worsening of malignant neoplasm of the prostate;

- (13) 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(8) to 9(13) 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(2) 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 a waist circumference exceeding 88 centimetres.

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

being:

- (a) ***on land in Vietnam***; or
- (b) ***at sea in Vietnamese waters***;

means service in at least one of the areas and at the times described in Items 4 and 8 of Schedule 2 of the VEA.

Note: **VEA** 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.

cumulative equivalent dose means the total dose of ionising radiation received by the particular organ or tissue from external exposure, internal exposure or both, apart from normal background radiation exposure in Australia, calculated in accordance with the methodology set out in Guide to calculation of 'cumulative equivalent dose' for the purpose of applying ionising radiation factors contained in Statements of Principles determined under Part XIA of the Veterans' Entitlements Act 1986 (Cth), Australian Radiation Protection and Nuclear Safety Agency, as in force on 2 August 2017.

Note 1: Examples of circumstances that might lead to exposure to ionising radiation include being present during or subsequent to the testing or use of nuclear weapons, undergoing diagnostic or therapeutic medical procedures involving ionising radiation, and being a member of an aircrew, leading to increased levels of exposure to cosmic radiation.

Note 2: For the purpose of dose reconstruction, dose is calculated as an average over the mass of a specific tissue or organ. If a tissue is exposed to multiple sources of ionising radiation, the various dose estimates for each type of radiation must be combined.

estuarine Vietnamese waters means at least one of the waterways or harbours in the relevant areas described in Items 4 and 8 of Schedule 2 of the VEA.

Note: *VEA* is also defined in the Schedule 1 – Dictionary.

inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD) means:

- (a) decanting or spraying;
- (b) cleaning or maintaining equipment used to apply;
- (c) being sprayed with;
- (d) handling or sawing timber treated with;
- (e) being in an environment shrouded in dust from timber treated with; or
- (f) using cutting oils contaminated with;

one of the following chemicals:

- (a) 2,4,5-trichlorophenoxyacetic acid;
- (b) 2,4,5-trichlorophenoxypropionic acid;
- (c) 2,4,5-trichlorophenol;
- (d) 2-(2,4,5-trichlorophenoxy)-ethyl 2,2-dichloropropionate;
- (e) o,o-dimethyl-o-(2,4,5-trichlorophenyl)-phosphorothioate;
- (f) pentachlorophenol;
- (g) 2,3,4,6-tetrachlorophenol;
- (h) 2,4,6-trichlorophenol;
- (i) 1,3,5-trichloro-2-(4-nitrophenoxy)benzene;
- (j) 2,4-dichloro-1-(4-nitrophenoxy)benzene; or
- (k) 2,4-dichloro-1-(3-methoxy-4-nitrophenoxy)-benzene.

malignant neoplasm of the prostate see subsection 7(2).

MRC 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 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.

potable water means water used for drinking water, food preparation and beverage production.

relevant service means:

- (a) operational service under the VEA;
- (b) peacekeeping service under the VEA;
- (c) hazardous service under the VEA;
- (d) British nuclear test defence service under the VEA;
- (e) warlike service under the MRCA; or
- (f) non-warlike 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 but excluding e-cigarettes.

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*.