

Statement of Principles  
concerning

**MALIGNANT NEOPLASM OF THE  
PANCREAS**

**No. 46 of 2005**

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 pancreas No. 46 of 2005.

**Determination**

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
  - (a) revokes Instrument No. 56 of 1997, as amended by Instrument No. 21 of 2002; and
  - (b) determines in their place this Statement of Principles.

**Kind of injury, disease or death**

3.
  - (a) This Statement of Principles is about **malignant neoplasm of the pancreas** and **death from malignant neoplasm of the pancreas**.
  - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the pancreas**" means a primary malignant neoplasm arising from the cells of the exocrine pancreas. This definition excludes soft tissue sarcoma, carcinoid tumour, endocrine tumours, non-Hodgkin's lymphoma and Hodgkin's lymphoma.

- (c) Malignant neoplasm of the pancreas attracts ICD-10-AM codes C25.0, C25.1, C25.2, C25.3, C25.7, C25.8 or C25.9.
- (d) In the application of this Statement of Principles, the definition of **“malignant neoplasm of the pancreas”** is that given at paragraph 3(b) above.

#### **Basis for determining the factors**

- 4. 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 *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 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 is:
  - (a) smoking at least fifteen pack years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of malignant neoplasm of the pancreas, and where smoking has ceased, the clinical onset has occurred within fifteen years of cessation; or
  - (b) using smokeless tobacco on more days than not for at least thirty years before the clinical onset of malignant neoplasm of the pancreas, and the clinical onset of malignant neoplasm of the pancreas has occurred within the fifteen years following that period; or
  - (c) having diabetes mellitus for at least the ten years before the clinical onset of malignant neoplasm of the pancreas; or
  - (d) having chronic pancreatitis at least five years before the clinical onset of malignant neoplasm of the pancreas; or

- (e) being obese for at least twenty years within the thirty years before the clinical onset of malignant neoplasm of the pancreas; or
- (f) inability to obtain appropriate clinical management for malignant neoplasm of the pancreas.

### **Factors that apply only to material contribution or aggravation**

- 7. Paragraph 6(f) 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 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:

**“being obese”** means an increase in body weight by way of fat accumulation which results in a Body Mass Index (BMI) of 30 or greater.

The  $BMI = W/H^2$  and where:

W is the person's weight in kilograms and

H is the person's height in metres;

**“death from 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;

**“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), Fourth Edition, effective date of 1 July 2004, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 594 1;

**“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 7 300 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 7 300 cigarettes, or 7.3kg of smoking tobacco by weight. Tobacco products means either cigarettes, pipe tobacco or cigars smoked, alone or in any combination;

**“relevant service”** means:

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

**“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:

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

### **Application**

- 10.** This Instrument applies to all matters to which section 120B of the VEA or section 339 of the MRCA applies.

### **Date of effect**

- 11.** This Instrument takes effect from 28 December 2005.

Dated this *fifteenth* day of *December* 2005

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

KEN DONALD  
CHAIRPERSON