

REVOKED

Revocation and Determination

of

Statement of Principles concerning

MALIGNANT NEOPLASM OF THE BREAST

ICD CODES: 174, 175, 233.0

Veterans' Entitlements Act 1986

1. The Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the Act):
 - (a) revokes Instrument No.30 of 1995; and
 - (b) determines the following Statement of Principles.

Kind of injury, disease or death

2. (a) This Statement of Principles is about **malignant neoplasm of the breast** and **death from malignant neoplasm of the breast**.
- (b) For the purposes of this Statement of Principles, “**malignant neoplasm of the breast**” means a primary malignancy arising from the cells of the breast, including carcinoma in situ, attracting ICD codes 174, 175, or 233.0, but excluding soft tissue sarcoma, non-Hodgkin's lymphoma and Hodgkin's disease of the breast.

Note to user (this note does not form part of the legal wording of the instrument):

If soft tissue sarcoma, non-Hodgkin's lymphoma or Hodgkin's disease of the breast is claimed, reference is to be made to the relevant Statement of Principles for that disease.

Basis for determining the factors

3. 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 breast and death from malignant neoplasm of the breast can be related to relevant service rendered by veterans or members of the Forces.

Factors that must be related to service

4. Subject to clause 6, the factors set out in at least one of the paragraphs in clause 5 must be related to any relevant service rendered by the person.

Factors

5. The factors that must exist before it can be said that, on the balance of probabilities, **malignant neoplasm of the breast** or **death from malignant neoplasm of the breast** is connected with the circumstances of a person's relevant service are:
- (a) undergoing a course of therapeutic radiation to the area of the breast or the chest that commenced at least ten years before the clinical onset of malignant neoplasm of the breast; or
 - (b) undergoing a course of hormone replacement therapy consisting of oestrogen with or without progesterone for a period of at least ten years immediately before the clinical onset of malignant neoplasm of the breast; or
 - (c) consuming at least 160 kg of alcohol (contained within alcoholic drinks) over a period of 15 years within the 20 years before the clinical onset of malignant neoplasm of the breast; or
 - (d) if the person is a female:
 - (i) not having undergone bilateral oophorectomy before natural menopause; and
 - (ii) being nulliparous until at least the age of 30 years, before the clinical onset of malignant neoplasm of the breast; or
 - (e) regularly ingesting oral contraceptives for a period of at least eight years within the 18 years immediately before the clinical onset of malignant neoplasm of the breast; or
 - (f) if the person is a female aged at least 60 years at the time of the clinical onset of malignant neoplasm of the breast — being obese for the five years immediately before the clinical onset of malignant neoplasm of the breast; or

- (g) inability to obtain appropriate clinical management for malignant neoplasm of the breast.

Factors that apply only to material contribution or aggravation

6. Paragraph 5(g) applies only to material contribution to, or aggravation of, malignant neoplasm of the breast where the person's malignant neoplasm of the breast was suffered or contracted before or during (but not arising out of) the person's relevant service; paragraph 8(1)(e), 9(1)(e) or 70(5)(d) of the Act refers.

Other definitions

7. For the purposes of this Statement of Principles:

“a course of therapeutic radiation” means one or more fractions (treatment portions) of ionising radiation administered with the aim of achieving palliation or cure with gamma rays, x-rays, alpha particles or beta particles;

“alcohol (contained within alcoholic drinks)” is measured by the alcohol consumption calculations utilising the Australian Standard of ten grams of alcohol per standard alcoholic drink;

“baseline weight” means the weight level which was being maintained prior to the effect of the particular factor specified;

“being obese” means an increase in body weight by way of fat accumulation beyond an arbitrary limit, and due to a cause specified in the Repatriation Medical Authority's Statement about the causes of “being obese” signed by the Chairman of the Authority on 16 August 1996, attracting ICD code 278.0.

The measurement used to define “being obese” is the Body Mass Index (BMI).

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

W is the person's weight in kilograms and

H is the person's height in metres.

“Being obese” is considered to be present when the BMI is 30 or greater. This definition excludes weight gain not resulting from fat deposition such as gross oedema, peritoneal or pleural effusion, or muscle

hypertrophy. “Being obese” develops when energy intake is in excess of expenditure for a sustained period of time.

For a factor to be included as a cause of “being obese” it must have resulted in a significant weight gain, of the order of a 20% increase in baseline weight, and in association with a BMI of 30 or greater;

“**bilateral oophorectomy**” means removal of both ovaries;

“**hormone replacement therapy**” means administration of oestrogen preparations often in combination with progesterone to offset a hormone deficiency following surgically induced or naturally occurring menopause;

“**ICD code**” means a number assigned to a particular kind of injury or disease in the Australian Version of The International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM), effective date of 1 July 1996, copyrighted by the National Coding Centre, Faculty of Health Sciences, University of Sydney, NSW, and having ISBN 0 642 24447 2;

“**nulliparous**” means having never given birth to a viable infant;

“**oral contraceptives**” means a hormonal compound usually prescribed and taken to prevent pregnancy;

“**relevant service**” means:

- (a) eligible war service (other than operational service); or
- (b) defence service (other than hazardous service).

Application

8. This Instrument applies to all matters to which section 120B of the Act applies.

Dated this **Fourth** day of **July** 1997

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

KEN DONALD
CHAIRMAN