

Revocation and Determination
of
Statement of Principles
concerning
ADENOCARCINOMA OF THE KIDNEY

ICD-10-AM CODE: C64

Veterans' Entitlements Act 1986

1. The Repatriation Medical Authority under subsection **196B(2)** of the *Veterans' Entitlements Act 1986* (the Act):
 - (a) revokes Instrument No.107 of 1996; and
 - (b) determines in its place the following Statement of Principles.

Kind of injury, disease or death

2. (a) This Statement of Principles is about **adenocarcinoma of the kidney** and **death from adenocarcinoma of the kidney**.
 - (b) For the purposes of this Statement of Principles, **“adenocarcinoma of the kidney”** means a malignant neoplasm arising from the renal tubular epithelium, attracting ICD-10-AM code C64. It is also known as renal cell carcinoma or hypernephroma.

Basis for determining the factors

3. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **adenocarcinoma of the kidney and death from adenocarcinoma of the kidney** can be related to relevant service rendered by veterans, members of Peacekeeping Forces, or members of the Forces.

Factors that must be related to service

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

Factors

5. The factors that must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting **adenocarcinoma of the kidney** or **death from adenocarcinoma of the kidney** with the circumstances of a person's relevant service are:

- (a) smoking at least 15 pack years of cigarettes or the equivalent thereof in other tobacco products before the clinical onset of adenocarcinoma of the kidney, and

- (i) smoking commenced at least 10 years before the clinical onset of adenocarcinoma of the kidney, and

- (ii) where smoking has ceased, the clinical onset has occurred within 20 years of cessation; or

- (b) inhaling respirable asbestos fibres in an enclosed space:

- (i) at the time material containing asbestos fibres was being applied, removed, dislodged, cut or drilled, and

- (ii) the first inhalation of asbestos fibres commenced at least 10 years

before the clinical onset of adenocarcinoma of the kidney; or

- (c) inhaling respirable asbestos fibres for a cumulative period of at least 1000 hours:

- (i) at the time material containing asbestos fibres was being applied, removed, dislodged, cut or drilled, and

- (ii) the first inhalation of asbestos fibres commenced at least 10 years

before the clinical onset of adenocarcinoma of the kidney; or

- (d) being obese for a period of at least three years, within the 10 years before the clinical onset of adenocarcinoma of the kidney; or

- (e) suffering from renal cystic disease secondary to end stage renal disease before the clinical onset of adenocarcinoma of the kidney;
or
- (f) inability to obtain appropriate clinical management for adenocarcinoma of the kidney.

Factors that apply only to material contribution or aggravation

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

Inclusion of Statements of Principles

- 7. 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.

Other definitions

- 8. For the purposes of this Statement of Principles:

“an enclosed space” means a substantially enclosed area, for example, the interior of a building, ship or aircraft, a covered workshop or factory;

“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 adenocarcinoma of the kidney” in relation to a person includes death from a terminal event or condition that was contributed to by the person's adenocarcinoma of the kidney;

“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), Second Edition, effective date of 1 July 2000, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 271 3;

“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) operational service; or
- (b) peacekeeping service; or
- (c) hazardous service;

“renal cystic disease secondary to end stage renal disease” means a bilateral condition characterised by three or more cysts per kidney which develops in end stage renal disease, but excludes hereditary polycystic disease of the kidney;

“respirable asbestos fibres” means asbestos fibres less than five micrometres in diameter;

“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

9. This Instrument applies to all matters to which section 120A of the Act applied.

Dated this **Twentieth** day of
November 2001

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

KEN DONALD
CHAIRMAN