Statement of Principles concerning malignant neoplasm of the brain (Reasonable Hypothesis) (No. 85 of 2016)

made under subsection 196B(2) of the

Veterans' Entitlements Act 1986

Compilation No. 1

Compilation date: 18 September 2017

Includes amendments up to: Veterans' Entitlements (Statements of Principles—Cumulative Equivalent Dose) Amendment Determination 2017 (No. 58 of 2017) (F2017L01067)

The day of commencement of this Amendment Determination is 18 September 2017.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

Authorised Version F2017C00807 registered 18/09/2017
About this compilation

This compilation
This is a compilation of the Statement of Principles concerning malignant neoplasm of the brain (Reasonable Hypothesis) (No. 85 of 2016) that shows the text of the law as amended and in force on 18 September 2017.

The notes at the end of this compilation (the endnotes) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments
The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments
If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications
If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions
If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
Statement of Principles concerning
MALIGNANT NEOPLASM OF THE BRAIN
(Reasonable Hypothesis)
(No. 85 of 2016)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(2) of the Veterans' Entitlements Act 1986.

Dated 28 October 2016
1 Name
This is the Statement of Principles concerning malignant neoplasm of the brain (Reasonable Hypothesis) (No. 85 of 2016).

2 Commencement
This instrument commences on 28 November 2016.

3 Authority
This instrument is made under subsection 196B(2) of the Veterans’ Entitlements Act 1986.

4 Revocation
The Statement of Principles concerning malignant neoplasm of the brain No. 58 of 2008, as amended, made under subsections 196B(2) and (8) of the VEA is revoked.

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 brain and death from malignant neoplasm of the brain.

Meaning of malignant neoplasm of the brain
(2) For the purposes of this Statement of Principles, malignant neoplasm of the brain means:

(a) a primary malignant neoplasm arising from the cells of the brain; and

(b) includes malignant neuroepithelial tumour and germ cell tumour; and
(c) excludes nerve sheath tumour, soft tissue sarcoma, Hodgkin's lymphoma, non-Hodgkin's lymphoma, carcinoid tumour, neoplasm of the pituitary gland and cerebral meningioma.

Note: *neuroepithelial tumour* is defined in the Schedule 1 - Dictionary.

(3) While malignant neoplasm of the brain attracts ICD-10-AM code C71, in applying this Statement of Principles the meaning of malignant neoplasm of the brain is that given in subsection (2).


**Death from malignant neoplasm of the brain**

(5) For the purposes of this Statement of Principles, malignant neoplasm of the brain, 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 brain.

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 brain and death from malignant neoplasm of the brain 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: *relevant service* is 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 brain or death from malignant neoplasm of the brain with the circumstances of a person's relevant service:

(1) having received a cumulative equivalent dose of at least 0.1 sievert of ionising radiation to the brain at least two years before the clinical onset of malignant neoplasm of the brain;

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

(2) being infected with human immunodeficiency virus before the clinical onset of malignant neoplasm of the brain;
(3) inability to obtain appropriate clinical management for malignant neoplasm of the brain.

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 factor set out in subsection 9(3) applies only to material contribution to, or aggravation of, malignant neoplasm of the brain where the person's malignant neoplasm of the brain 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:

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.

malignant neoplasm of the brain—see subsection 7(2).


neuroepithelial tumour means a tumour originating from neuroepithelial tissue and includes any of the following:

(a) choroid plexus tumours;
(b) diffuse astrocytic and oligodendrogial tumours (including astrocytoma, glioblastoma multiforme);
(c) embryonal tumours;
(d) ependymal tumours;
(e) neuronal and mixed neuronal-glial tumours;
(f) other astrocytic tumours;
(g) other gliomas; or
(h) tumours of the pineal region.

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.

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.
Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.
**Endnote 2—Abbreviation key**

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**Statement of Principles concerning Malignant Neoplasm Of The Brain (Reasonable Hypothesis) (No. 85 of 2016) Veterans' Entitlements Act 1986**

Compilation No. 1

Compilation date: 18/09/2017

Authorised Version F2017C00807 registered 18/09/2017
Endnote 3—Legislation history

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### Endnote 4—Amendment history

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