



# **Statement of Principles concerning benign neoplasm of the eye and adnexa (Reasonable Hypothesis) (No. 41 of 2016)**

made under subsection 196B(2) of the

*Veterans' Entitlements Act 1986*

## **Compilation No. 1**

<b>Compilation date:</b>	18 September 2017
<b>Includes amendments up to:</b>	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

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## About this compilation

### This compilation

This is a compilation of the *Statement of Principles concerning benign neoplasm of the eye and adnexa (Reasonable Hypothesis) (No. 41 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](http://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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.



Australian Government  
Repatriation Medical Authority

**Statement of Principles**  
**concerning**  
**BENIGN NEOPLASM OF THE EYE AND**  
**ADNEXA**  
**(Reasonable Hypothesis)**  
**(No. 41 of 2016)**

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

Dated 22 April 2016

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*Statement of Principles concerning*  
*Benign Neoplasm Of The Eye And Adnexa (Reasonable Hypothesis) (No. 41 of 2016)*  
*Veterans' Entitlements Act 1986*

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**1 Name**

This is the Statement of Principles concerning *benign neoplasm of the eye and adnexa (Reasonable Hypothesis)* (No. 41 of 2016).

**2 Commencement**

This instrument commences on 23 May 2016.

**3 Authority**

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

**4 Revocation**

The Statement of Principles concerning benign neoplasm of the eye and adnexa No. 33 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 benign neoplasm of the eye and adnexa and death from benign neoplasm of the eye and adnexa.

*Meaning of **benign neoplasm of the eye and adnexa***

- (2) For the purposes of this Statement of Principles, benign neoplasm of the eye and adnexa means:
- (a) a non-malignant neoplastic proliferation of the cells of the eye classified according to site as conjunctiva, cornea, retina, choroid, ciliary body, lacrimal gland, lacrimal duct and orbit; and
  - (b) excludes benign neoplasms of eyelids, optic nerve, meninges and orbital bone; lipoma, haemangioma, lymphangioma, melanocytic

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naevi, neurofibromatosis, retinal vasoproliferative tumour and ocular surface squamous dysplasia.

- (3) While benign neoplasm of the eye and adnexa attracts ICD-10-AM code D31, in applying this Statement of Principles the meaning of benign neoplasm of the eye and adnexa 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), Ninth Edition, effective date of 1 July 2015, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-020-5.

*Death from **benign neoplasm of the eye and adnexa***

- (5) For the purposes of this Statement of Principles, benign neoplasm of the eye and adnexa, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's benign neoplasm of the eye and adnexa.

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 benign neoplasm of the eye and adnexa and death from benign neoplasm of the eye and adnexa 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 benign neoplasm of the eye and adnexa or death from benign neoplasm of the eye and adnexa with the circumstances of a person's relevant service:

- (1) for keratoacanthoma of the conjunctiva only, having sunlight exposure to the eye for a cumulative period of at least 2 250 hours while in a tropical area, or having equivalent sunlight exposure in other latitude zones, before the clinical onset of benign neoplasm of the eye and adnexa;

Note: **equivalent sunlight exposure in other latitude zones** and **tropical area** are defined in the Schedule 1 - Dictionary.

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- (2) for papilloma of the conjunctiva only, acquiring persistent infection of the epithelium of the conjunctiva with a strain from the specified list of human papilloma virus (HPV) strains before the clinical onset of benign neoplasm of the eye and adnexa;

Note: *specified list of human papilloma virus (HPV) strains* is defined in the Schedule 1 - Dictionary.

- (3) for schwannoma of the eye and adnexa only, having received a cumulative equivalent dose of at least 0.1 sievert of ionising radiation to the eye or orbit at least five years before the clinical onset of benign neoplasm of the eye and adnexa;

Note: *cumulative equivalent dose* and *schwannoma* are defined in the Schedule 1 - Dictionary.

- (4) inability to obtain appropriate clinical management for benign neoplasm of the eye and adnexa.

## **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(4) applies only to material contribution to, or aggravation of, benign neoplasm of the eye and adnexa where the person's benign neoplasm of the eye and adnexa 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.

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## Schedule 1 - Dictionary

Note: See Section 6

### 1 Definitions

In this instrument:

***benign neoplasm of the eye and adnexa***—see subsection 7(2).

***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.

***equivalent sunlight exposure in other latitude zones*** means the cumulative hours of sunlight exposure equivalent to that specified for a tropical area, calculated by multiplying the hours of exposure in each latitude zone by the latitude weighting factor for the zone as per the latitude weighting factor schedule and adding together the result for each zone:

Latitude weighting factor schedule

Latitude zone	Latitude weighting factor
a latitude between 23° 27' South and 23° 27' North	1.0
a latitude from > 23° 27' to 35°	0.75
a latitude from > 35° to 45°	0.5
a latitude from > 45° to 65°	0.25.

***MRCA*** means the *Military Rehabilitation and Compensation Act 2004*.



**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.

**schwannoma** means a benign neoplasm originating from Schwann cells of the myelin sheath of neurons of peripheral, cranial or autonomic nerves, comprising two types, neurilemmomas and neurofibromas.

**specified list of human papilloma virus (HPV) strains** means HPV type 6, 11, 16, 18, 33 or 45.

**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.

**tropical area** means any area between the Tropic of Capricorn (23° 27' South) and the Tropic of Cancer (23° 27' North).

**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**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	
exp = expires/expired or ceases/ceased to have effect	reloc = relocated
F = Federal Register of Legislation	renum = renumbered
gaz = gazette	rep = repealed
LA = <i>Legislation Act 2003</i>	rs = repealed and substituted
LIA = <i>Legislative Instruments Act 2003</i>	s = section(s)/subsection(s)
(md) = misdescribed amendment can be given effect	Sch = Schedule(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sdiv = Subdivision(s)
mod = modified/modification	SLI = Select Legislative Instrument
No. = Number(s)	SR = Statutory Rules
	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Statement of Principles concerning benign neoplasm of the eye and adnexa (Reasonable Hypothesis) (No. 41 of 2016)</i>	26 April 2016 F2016L00565	23 May 2016	
<i>Veterans' Entitlements (Statements of Principles—Cumulative Equivalent Dose) Amendment Determination 2017 (No. 58 of 2017)</i>	22 August 2017 F2017L01067	18 September 2017	

*Statement of Principles concerning*  
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Endnote 4—Amendment history

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**Endnote 4—Amendment history**

Provision affected	How affected
Schedule 1 – Dictionary – ' "cumulative equivalent dose".....'	rs. No. 58 of 2017