

Statement of Principles
concerning

MALIGNANT NEOPLASM OF THE BRAIN

No. 59 of 2008

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 brain No. 59 of 2008.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 18 of 2003 concerning malignant neoplasm of the brain; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **malignant neoplasm of the brain** and **death from malignant neoplasm of the brain**.
 - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the brain**" means a primary malignant neoplasm arising from the cells of the brain, including neuroepithelial tumour and germ cell tumour, but excluding nerve sheath tumour, soft tissue sarcoma, Hodgkin's lymphoma, non-Hodgkin's lymphoma, carcinoid tumour, pituitary tumour and tumour of meningeal tissue.
 - (c) Malignant neoplasm of the brain attracts ICD-10-AM code C71.

- (d) In the application of this Statement of Principles, the definition of "**malignant neoplasm of the brain**" 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 brain** and **death from malignant neoplasm of the brain** 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 brain** or **death from malignant neoplasm of the brain** is connected with the circumstances of a person's relevant service is:
- (a) undergoing a course of therapeutic radiation to the head or neck before the clinical onset of malignant neoplasm of the brain, where the first exposure to therapeutic radiation occurred at least five years before the clinical onset of malignant neoplasm of the brain; or
 - (b) having received a cumulative equivalent dose of 0.5 Sievert of atomic radiation to the brain, where this dose was accumulated at least ten years before the clinical onset of malignant neoplasm of the brain; or
 - (c) inability to obtain appropriate clinical management for malignant neoplasm of the brain.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(c) 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 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:

"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;

"atomic radiation" means ionising radiation excluding:

- (a) natural background radiation;
- (b) therapeutic radiation; and
- (c) radiation from diagnostic procedures;

"cumulative equivalent dose" means the total equivalent dose of radiation from all types of ionising radiation. It accounts for the differences in biological effectiveness of various types of radiation and allows doses from different radiations to be combined. Each component is calculated by multiplying the absorbed dose in a particular tissue or organ for a given type of radiation by the radiation weighting factor for that radiation. The unit of equivalent dose is the Sievert;

"death from 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;

"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), Sixth Edition, effective date of 1 July 2008, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 016 6;

"neuroepithelial tumour" means one of the following:

- (a) astrocytic tumour;
- (b) oligodendroglial tumour;
- (c) ependymal cell tumour;
- (d) mixed glioma;
- (e) neuroepithelial tumour of uncertain origin (astroblastoma, polar spongioblastoma, gliomatosis cerebri);
- (f) tumour of the choroid plexus;
- (g) neuronal and mixed neuronal-glial tumour;
- (h) pineal parenchymal tumour; or
- (i) embryonal tumour (medulloepithelioma, neuroblastoma, ependymblastoma, primitive neuroectodermal tumour, medulloblastoma);

"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;

"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 3 September 2008.

Dated this *twentieth* day of *August* 2008

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

KEN DONALD
CHAIRPERSON