Australian Government

Repatriation Medical Authority

EXPLANATORY STATEMENT

STATEMENT OF PRINCIPLES CONCERNING MALIGNANT NEOPLASM OF THE MENINGES (REASONABLE HYPOTHESIS) (NO. 79 OF 2026)

MILITARY REHABILITATION AND COMPENSATION ACT 2004

1. This is the Explanatory Statement to the *Statement of Principles concerning* ***malignant neoplasm of the meninges*** *(Reasonable Hypothesis)* (No. 79 of 2026).

Background

2. The Repatriation Medical Authority (the Authority), under section 370CG of the *Military Rehabilitation and Compensation Act 2004* (the MRCA), repeals Instrument No. 3 of 2018 (Federal Register of Legislation No. F2018L00001) determined under section 196B(2) of the VEA concerning **malignant neoplasm of the cerebral meninges**.

3. The Authority is of the view that there is sound medical-scientific evidence that indicates that malignant neoplasm of the meninges and death from malignant neoplasm of the meninges can be related to particular kinds of service. The Authority has therefore determined pursuant to section 370CB of the MRCA a Statement of Principles concerning malignant neoplasm of the meninges (Reasonable Hypothesis) (No. 79 of 2026). This Instrument will in effect replace the repealed Statement of Principles.

Purpose and Operation

4. The Statement of Principles will be applied in determining claims under the MRCA.

5. The Statement of Principles sets out the factors that must as a minimum exist, and which of those factors must be related to the following kinds of service rendered by a person:

- hazardous service;
- British nuclear test defence service;
- warlike service;
- non-warlike service

before it can be said that a reasonable hypothesis has been raised connecting malignant neoplasm of the meninges or death from malignant neoplasm of the meninges, with the circumstances of that service. The Statement of Principles has been determined for the purposes of the MRCA.

6. This Instrument results from an investigation notified by the Authority in the Government Notices Gazette of 28 August 2025 concerning malignant neoplasm of the meninges in accordance with section 370CJ of the MRCA. The investigation involved an examination of the sound medical-scientific evidence now available to the

Authority, including the sound medical-scientific evidence it has previously considered.

7. The contents of this Instrument are in similar terms as the repealed Instrument. Comparing this Instrument and the repealed Instrument, the differences include:

- adopting the latest revised Instrument format, which commenced in July 2026;
- revised SOP name from malignant neoplasm of the cerebral meninges to malignant neoplasm of the meninges;
- specifying a day of commencement for the Instrument in section 2;
- revising ICD-10-AM codes for 'malignant neoplasm of the meninges' in subsection 7(3) (where applicable);
- revising subsection 10(2) to clarify that only the clinical worsening aspect of the factors in section 9 apply in relation to material contribution to, or aggravation of, bronchiectasis. This replaces the previous reference to factors 9(6) to 9(8) for consistency of format;
- revising the factor in subsection 9(1) concerning cumulative equivalent dose;
- revising the factor in subsection 9(2) concerning drugs;
- revising the factor in subsection 9(3) concerning inability to obtain appropriate clinical management;
- deleting factor concerning being overweight or obese;
- deleting factors concerning pregnancy;
- deleting factor concerning hormone replacement therapy;
- revising the definition of ‘relevant service’ in Schedule 1 – Dictionary; and
- deleting the definitions of ‘being overweight or obese’, ‘being treated with a drug as specified’, ‘BMI’, ‘hormone replacement therapy’ and ‘VEA’ in Schedule 1 - Dictionary.

Incorporation

8. The definition of "cumulative equivalent dose" contained in the Schedule 1 – Dictionary incorporates the *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. This writing is incorporated pursuant to subsection 14(b) of the *Legislation Act 2003*.

9. This Instrument refers to *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification* (ICD-10-AM), Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

The reference to the ICD-10-AM in this instrument is included for contextual and explanatory purposes only. Although not incorporated by reference, information about the ICD-10-AM can be obtained upon application in writing to the Repatriation Medical Authority either via our website at www.rma.gov.au or postal address GPO Box 1014, Brisbane, Queensland 4001.

Consultation

10. Prior to determining this Instrument, the Authority advertised its intention to undertake an investigation into malignant neoplasm of the cerebral meninges in the Government Notices Gazette of 28 August 2025 and provided a copy of the notice to a wide range of organisations representing veterans, service personnel and their dependants. The Authority invited submissions from the Repatriation Commission, organisations and

persons referred to in section 370CH of the MRCA, and other persons with relevant expertise. No submissions were received in response to the investigation.

11. On 11 June 2026, the Authority wrote to organisations representing veterans, service personnel and their dependants regarding the proposed Instrument and the medical-scientific material considered by the Authority. The correspondence highlighted the proposed deletion of factors relating to *being overweight or obese, pregnancy and hormone replacement therapy.* The organisations were invited to make representations on the proposed Instrument prior to its determination. No submissions were received, and consequently, no changes were made to the Instrument following consultation.

Human Rights

12. This instrument is compatible with the Human Rights and Freedoms recognised or declared in the International Instruments listed in Section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A Statement of Compatibility with Human Rights follows.

Finalisation of Investigation

13. The determining of this Instrument finalises the investigation in relation to malignant neoplasm of the cerebral meninges as advertised in the Government Notices Gazette of 28 August 2025.

References

14. A list of references relating to the above condition is available on the Authority's website at: www.rma.gov.au. Any other document referred to in this Statement of Principles is available on request to the Repatriation Medical Authority at the following address:

Email: info@rma.gov.au
Post: The Registrar
Repatriation Medical Authority
GPO Box 1014
BRISBANE QLD 4001

Australian Government

Repatriation Medical Authority

Statement of Compatibility with Human Rights

(Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011)

Instrument No.: **Statement of Principles No. 79 of 2026**

Kind of Injury, Disease or Death: **Malignant neoplasm of the meninges**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

1. This Legislative Instrument is determined pursuant to section 370CB of the *Military Rehabilitation and Compensation Act 2004* (the MRCA) for the purposes of the MRCA. Chapter 9A of the MRCA requires the determination of these instruments outlining the factors connecting particular kinds of injury, disease or death with service such being determined solely on the available sound medical-scientific evidence.

2. This Legislative Instrument:-

- facilitates claimants in making, and the Repatriation Commission in assessing, claims under the MRCA, by specifying the circumstances in which medical treatment and compensation can be extended to eligible persons who have malignant neoplasm of the meninges;
- facilitates the review of such decisions by the Veterans' Review Board and the Administrative Review Tribunal;
- outlines the factors which the current sound medical-scientific evidence indicates must as a minimum exist, before it can be said that a reasonable hypothesis has been raised, connecting malignant neoplasm of the meninges with the circumstances of eligible service rendered by a person, as set out in clause 5 of the Explanatory Statement;
- replaces Instrument No. 3 of 2018; and
- reflects developments in the available sound medical-scientific evidence concerning malignant neoplasm of the meninges which have occurred since that earlier instrument was determined.

3. The Instrument is assessed as being a technical instrument which improves the medico-scientific quality of outcomes under the MRCA.

Human Rights Implications

4. This Legislative Instrument does not derogate from any human rights. It promotes the human rights of veterans, current and former Defence Force members as well as other persons such as their dependents, including:

- the right to social security (Art 9, *International Covenant on Economic, Social and Cultural Rights*; Art 26, *Convention on the Rights of the Child* and Art 28, *Convention on the Rights of Persons with Disabilities*) by helping to ensure that the qualifying conditions for the benefit are 'reasonable, proportionate and transparent'[1];
- the right to an adequate standard of living (Art 11, ICESCR; Art 27, CRC and Art 28, CRPD) by facilitating the assessment and determination of social security benefits;
- the right to the enjoyment of the highest attainable standard of physical and mental health (Art 12, ICESCR and Art 25, CRPD), by facilitating the assessment and determination of compensation and benefits in relation to the treatment and rehabilitation of veterans and Defence Force members;
- the rights of persons with disabilities by facilitating the determination of claims relating to treatment and rehabilitation (Art 26, CRPD); and
- ensuring that those rights "will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Art 2, ICESCR).

Conclusion

This Legislative Instrument is compatible with human rights as it does not derogate from and promotes a number of human rights.

Repatriation Medical Authority

[1] In General Comment No. 19 (The right to social security), the Committee on Economic, Social and Cultural Rights said (at paragraph 24) this to be one of the elements of ensuring accessibility to social security.