

Determination
of
Statement of Principles
concerning
**MALIGNANT NEOPLASM OF UNKNOWN
PRIMARY SITE**

for the purposes of the

Veterans' Entitlements Act 1986
and
Military Rehabilitation and Compensation Act 2004

1. This Statement of Principles is determined by the Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the VEA).

Kind of injury, disease or death

2. (a) This Statement of Principles is about **malignant neoplasm of unknown primary site** and **death from malignant neoplasm of unknown primary site**.
- (b) For the purposes of this Statement of Principles, “**malignant neoplasm of unknown primary site**” means a metastatic malignant neoplasm for which the site of origin cannot be determined after a complete history, physical examination and appropriate investigations have been carried out. This definition excludes soft tissue sarcoma and malignant melanoma.
- (c) Malignant neoplasm of unknown primary site attracts ICD-10-AM code C80.
- (d) In the application of this Statement of Principles, the definition of “**malignant neoplasm of unknown primary site**” is that given at paragraph 2(b) above.

Basis for determining the factors

3. 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 unknown primary site** and **death from malignant neoplasm of unknown primary site** 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

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 factor that must exist before it can be said that, on the balance of probabilities, **malignant neoplasm of unknown primary site** or **death from malignant neoplasm of unknown primary site** is connected with the circumstances of a person's relevant service is:
 - (a) smoking at least fifteen pack years of cigarettes or the equivalent thereof in other tobacco products before the clinical onset of malignant neoplasm of unknown primary site, and where smoking commenced at least ten years before the clinical onset of malignant neoplasm of unknown primary site; or
 - (b) having received a cumulative equivalent dose of 0.50 Sievert of atomic radiation to the body where this dose was accumulated at least five years before the clinical onset of malignant neoplasm of unknown primary site; or
 - (c) undergoing a course of therapeutic radiation to the thorax, abdomen or pelvis, at least five years before the clinical onset of malignant neoplasm of unknown primary site; or
 - (d) inability to obtain appropriate clinical management for malignant neoplasm of unknown primary site.

Factors that apply only to material contribution or aggravation

6. Paragraph 5(d) applies only to material contribution to, or aggravation of, malignant neoplasm of unknown primary site where the person's malignant neoplasm of unknown primary site was suffered or contracted before or during (but not arising out of) the person's relevant service.

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:

“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:

- (i) natural background radiation;
- (ii) therapeutic radiation; and
- (iii) radiation from diagnostic procedures;

“cumulative equivalent dose” means the total equivalent dose of atomic radiation from all types of radiation (eg alpha, gamma). 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 (Sv);

“death from malignant neoplasm of unknown primary site” in relation to a person includes death from a terminal event or condition that was contributed to by the person’s malignant neoplasm of unknown primary site;

“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), Fourth Edition, effective date of 1 July 2004, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 594 1;

“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 7300 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 7300 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) 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.

Dated this *tenth* day of *November* 2004

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

KEN DONALD
CHAIRMAN