

Statement of Principles
concerning

MALIGNANT NEOPLASM OF THE EYE

No. 16 of 2010

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 eye No. 16 of 2010.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 65 of 1999 concerning malignant neoplasm of the eye; 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 eye** and **death from malignant neoplasm of the eye**.
 - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the eye**" means a primary malignant neoplasm arising from the cells of the eye. The eye means the conjunctiva, cornea, retina, uveal tract (choroid, ciliary body and iris) and eyeball, but excludes lacrimal gland and duct, orbit, optic nerve and the skin and connective tissue of the eyelid. This definition excludes retinoblastoma, soft tissue sarcoma, carcinoid tumour, non-Hodgkin's lymphoma and Hodgkin's lymphoma of or affecting the eye.

- (c) Malignant neoplasm of the eye attracts ICD-10-AM code C69.0 - C69.4, C69.8 or C69.9.
- (d) In the application of this Statement of Principles, the definition of "**malignant neoplasm of the eye**" 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 eye and death from malignant neoplasm of the eye** 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 eye or death from malignant neoplasm of the eye** is connected with the circumstances of a person's relevant service is:
 - (a) having sunlight exposure to the face for at least 4500 hours while in a tropical area, or having equivalent sunlight exposure in other latitude zones, before the clinical onset of malignant neoplasm of the eye; or
 - (b) being infected with human immunodeficiency virus before the clinical onset of malignant neoplasm of the eye; or
 - (c) for melanoma of the eye only,
 - (i) using manual welding equipment for welding metal, for a cumulative period of at least 20 years before the clinical onset of malignant neoplasm of the eye; or
 - (ii) using an ultraviolet tanning device to the region of the face on at least 20 occasions, at least five years before the clinical onset of malignant neoplasm of the eye; or
 - (d) for squamous cell carcinoma of the eye only, being treated with immunosuppressive drugs for solid organ transplantation or for

stem cell transplantation, at least one year before the clinical onset of malignant neoplasm of the eye; or

- (e) inability to obtain appropriate clinical management for malignant neoplasm of the eye.

Factors that apply only to material contribution or aggravation

- 7. Paragraph 6(e) applies only to material contribution to, or aggravation of, malignant neoplasm of the eye where the person's malignant neoplasm of the eye 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 tropical area" means any area between the Tropic of Capricorn (23° 27' South) and the Tropic of Cancer (23° 27' North);

"death from malignant neoplasm of the eye" 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 eye;

"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

<u>Latitude zone</u>	<u>Latitude weighting factor</u>
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;

"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;

"immunosuppressive drugs" means drugs or agents administered for the purpose of suppressing immune responses. This definition excludes inhaled or topical steroids;

"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 10 March 2010.

Dated this *first* day of *March* 2010

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

KEN DONALD
CHAIRPERSON