



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
MALIGNANT NEOPLASM OF THE TESTIS
AND EPIDIDYMIS
(Balance of Probabilities)
(No. 8 of 2024)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 22 December 2023.

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

Professor Terence Campbell AM
Chairperson

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1 Name

This is the Statement of Principles concerning *malignant neoplasm of the testis and epididymis (Balance of Probabilities)* (No. 8 of 2024).

2 Commencement

This instrument commences on 22 January 2024.

3 Authority

This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

4 Repeal

The Statement of Principles concerning malignant neoplasm of the testis and paratesticular tissues No. 4 of 2015 (Federal Register of Legislation No. F2014L01815) made under subsection 196B(3) of the VEA is repealed.

5 Application

This instrument applies to a claim to which section 120B of the VEA or section 339 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 malignant neoplasm of the testis and epididymis and death from malignant neoplasm of the testis and epididymis.

*Meaning of **malignant neoplasm of the testis and epididymis***

- (2) For the purposes of this Statement of Principles, malignant neoplasm of the testis and epididymis:
 - (a) means a primary malignant neoplasm arising from cells of the testis and/or epididymis; and
 - (b) includes the following:
 - (i) germ cell tumour in situ;
 - (ii) germ cell tumour;
 - (iii) seminoma and non-seminoma;
 - (iv) sex cord stromal carcinomas;
 - (v) epididymis carcinomas;

- (vi) rete testis carcinomas;
- (c) excludes the following:
- (i) vas deferens tumours;
 - (ii) soft tissue sarcoma;
 - (iii) non-Hodgkin lymphoma;
 - (iv) Hodgkin lymphoma;
 - (v) leukaemic infiltrates.
- (3) While malignant neoplasm of the testis and epididymis attracts ICD-10-AM codes C62 and C63.0, in applying this Statement of Principles the meaning of malignant neoplasm of the testis and epididymis 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)*, Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

Death from malignant neoplasm of the testis and epididymis

- (5) For the purposes of this Statement of Principles, malignant neoplasm of the testis and epididymis, 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 testis and epididymis.

Note: *terminal event* is defined in the Schedule 1 – Dictionary.

8 Basis for determining the factors

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 testis and epididymis and death from malignant neoplasm of the testis and epididymis can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *MRCA*, *relevant service* and *VEA* are defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, malignant neoplasm of the testis and epididymis or death from malignant neoplasm of the testis and epididymis is connected with the circumstances of a person's relevant service:

- (1) being infected with human immunodeficiency virus before the clinical onset of malignant neoplasm of the testis and epididymis;

- (2) inability to obtain appropriate clinical management for malignant neoplasm of the testis and epididymis before the clinical worsening of malignant neoplasm of the testis and epididymis.

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(2) applies only to material contribution to, or aggravation of, malignant neoplasm of the testis and epididymis where the person's malignant neoplasm of the testis and epididymis 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(3) 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.

Schedule 1 - Dictionary

Note: See Section 6

1 Definitions

In this instrument:

malignant neoplasm of the testis and epididymis—see subsection 7(2).

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

relevant service means:

- (a) eligible war service (other than operational service) under the VEA;
- (b) defence service (other than hazardous service and British nuclear test defence service) under the VEA; or
- (c) peacetime service under the MRCA.

Note: ***MRCA*** and ***VEA*** are also defined in the Schedule 1 - Dictionary.

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.

VEA means the *Veterans' Entitlements Act 1986*.