



# Statement of Principles

concerning

## **MALIGNANT NEOPLASM OF THE OVARY**

**Instrument No. 71 of 2009 as amended**

made under section 196B(3) of the

*Veterans' Entitlements Act 1986*

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This compilation was prepared on 1 August 2011 taking into account Amendment of Statement of Principles concerning MALIGNANT NEOPLASM OF THE OVARY (*Instrument No. 62 of 2011*)

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

Statement of Principles  
concerning

**MALIGNANT NEOPLASM OF THE OVARY**

**No. 71 of 2009**

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 ovary No. 71 of 2009.

**Determination**

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
  - (a) revokes Instrument No. 44 of 1997 concerning malignant neoplasm of the ovary; 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 ovary** and **death from malignant neoplasm of the ovary**.
  - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the ovary**" means a primary malignant neoplasm arising from the cells of the ovary and including cell types of borderline malignant potential. This definition excludes soft tissue sarcoma, carcinoid tumour, non-Hodgkin's lymphoma and Hodgkin's lymphoma.
  - (c) Malignant neoplasm of the ovary attracts ICD-10-AM code C56 or D39.1.

- (d) In the application of this Statement of Principles, the definition of **"malignant neoplasm of the ovary"** 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 ovary** and **death from malignant neoplasm of the ovary** 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 ovary** or **death from malignant neoplasm of the ovary** is connected with the circumstances of a person's relevant service is:
- (a) for epithelial ovarian cancer only,
    - (i) being nulliparous at the time of the clinical onset of malignant neoplasm of the ovary; or
    - (ii) having hormone replacement therapy for at least five consecutive years before the clinical onset of malignant neoplasm of the ovary, and where the use of hormone replacement therapy has ceased, the clinical onset of malignant neoplasm of the ovary has occurred within ten years of that period; or
  - (b) for mucinous ovarian tumours only, smoking at least ten pack years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of malignant neoplasm of the ovary; or
  - (c) having endometriosis for at least five years before the clinical onset of malignant neoplasm of the ovary; or
  - (d) having received a cumulative equivalent dose of at least 0.5 sievert of ionising radiation to the ovary at least ten years before the clinical onset of malignant neoplasm of the ovary; or";

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

### **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 ovary where the person's malignant neoplasm of the ovary 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:

**"cumulative equivalent dose"** means the total dose of ionising radiation received by the particular organ or tissue. The formula used to calculate the cumulative equivalent dose allows doses from multiple types of ionising radiation to be combined, by accounting for their differing biological effect. The unit of equivalent dose is the sievert. For the purposes of this Statement of Principles, the calculation of cumulative equivalent dose excludes doses received from normal background radiation, but includes therapeutic radiation, diagnostic radiation, cosmic radiation at high altitude, radiation from occupation-related sources and radiation from nuclear explosions or accidents;

**"death from malignant neoplasm of the ovary"** 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 ovary;

**"hormone replacement therapy"** means administration of oestrogen preparations often in combination with progesterone to offset a hormone deficiency following surgically induced or naturally occurring menopause;

**"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;

**"nulliparous"** means never having experienced a gestation period of at least 20 weeks;

**"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 7.3 kg 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.

### **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 11 November 2009.

# Notes to Statement of Principles concerning malignant neoplasm of the ovary (Instrument No. 71 of 2009)

The Statement of Principles concerning malignant neoplasm of the ovary (Instrument No. 71 of 2009) in force under section 196B(3) of the *Veterans' Entitlements Act 1986*, as shown in this compilation is amended as indicated in the Tables below.

## Table of Instruments

Title	Date of FRLI registration	Date of commencement	Application, saving or transitional provisions
<i>Statement of Principles concerning malignant neoplasm of the ovary (Instrument No. 71 of 2009)</i>	4 November 2009 F2009L04042	11 November 2009	
<i>Amendment of Statement of Principles concerning malignant neoplasm of the ovary (Instrument No. 62 of 2011)</i>	13 May 2011 F2011L00748	25 May 2011	

## Table of Amendments

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

Provision affected	How affected
Clause 6(d)	rs. Instrument No. 62 of 2011
Clause 6(e)	rep. Instrument No. 62 of 2011
Clause 6(f)	am. Instrument No. 62 of 2011
Clause 7 – '6(f)...	am. Instrument No. 62 of 2011
Clause 9 – ' "cumulative equivalent dose"...	rs. Instrument No. 62 of 2011
Clause 9 – ' "atomic radiaiton"...	rep. Instrument No. 62 of 2011