



Statement of Principles  
concerning

**MALIGNANT NEOPLASM OF THE BRAIN**

**Instrument No. 59 of 2008 as amended**

made under section 196B(3) of the

***Veterans' Entitlements Act 1986***

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This compilation was prepared on 7 July 2011 taking into account Amendment of Statement of Principles concerning MALIGNANT NEOPLASM OF THE BRAIN (*Instrument No. 38 of 2011*)

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

Statement of Principles  
concerning

**MALIGNANT NEOPLASM OF THE BRAIN**

**No. 59 of 2008**

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 brain No. 59 of 2008.

**Determination**

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
  - (a) revokes Instrument No. 18 of 2003 concerning malignant neoplasm of the brain; 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 brain** and **death from malignant neoplasm of the brain**.
  - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the brain**" means a primary malignant neoplasm arising from the cells of the brain, including neuroepithelial tumour and germ cell tumour, but excluding nerve sheath tumour, soft tissue sarcoma, Hodgkin's lymphoma, non-Hodgkin's lymphoma, carcinoid tumour, pituitary tumour and tumour of meningeal tissue.
  - (c) Malignant neoplasm of the brain attracts ICD-10-AM code C71.
  - (d) In the application of this Statement of Principles, the definition of "**malignant neoplasm of the brain**" 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 brain** and **death from malignant neoplasm of the brain** 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 brain** or **death from malignant neoplasm of the brain** is connected with the circumstances of a person's relevant service is:
  - (a) having received a cumulative equivalent dose of at least 0.5 sievert of ionising radiation to the brain at least five years before the clinical onset of malignant neoplasm of the brain; or
  - (b) inability to obtain appropriate clinical management for malignant neoplasm of the brain.

### **Factors that apply only to material contribution or aggravation**

7. Paragraph **6(b)** applies only to material contribution to, or aggravation of, malignant neoplasm of the brain where the person's malignant neoplasm of the brain 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 brain"** 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 brain;

**"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;

**"neuroepithelial tumour"** means one of the following:

- (a) astrocytic tumour;
- (b) oligodendroglial tumour;
- (c) ependymal cell tumour;
- (d) mixed glioma;
- (e) neuroepithelial tumour of uncertain origin (astroblastoma, polar spongioblastoma, gliomatosis cerebri);
- (f) tumour of the choroid plexus;
- (g) neuronal and mixed neuronal-glial tumour;
- (h) pineal parenchymal tumour; or
- (i) embryonal tumour (medulloepithelioma, neuroblastoma, ependymblastoma, primitive neuroectodermal tumour, medulloblastoma);

**"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 3 September 2008.

# Notes to Statement of Principles concerning malignant neoplasm of the brain (Instrument No. 59 of 2008)

The Statement of Principles concerning malignant neoplasm of the brain (Instrument No. 59 of 2008) 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 brain (Instrument No. 59 of 2008)</i>	22 August 2008 F2008L03175	3 September 2008	
<i>Amendment of Statement of Principles concerning malignant neoplasm of the brain (Instrument No. 38 of 2011)</i>	16 May 2011 F2011L00765	25 May 2011	

## Table of Amendments

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

Provision affected	How affected
Clause 6(a)	rs. Instrument No.38 of 2011
Clause 6(b)	rep. Instrument No.38 of 2011
Clause 6(c)	am. Instrument No.38 of 2011
Clause 9 – ' "cumulative equivalent dose"..'	rs. Instrument No.38 of 2011
Clause 9 – ' "a course of therapeutic radiation"..'	rep. Instrument No.38 of 2011
Clause 9 – ' "atomic radiation"..'	rep. Instrument No.38 of 2011