



Australian Government
Repatriation Medical Authority

Statement of Principles concerning

MALIGNANT NEOPLASM OF THE SALIVARY GLAND

No. 58 of 2015

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 salivary gland No. 58 of 2015.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 47 of 2004, as amended, concerning malignant neoplasm of the salivary gland; 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 salivary gland** and **death from malignant neoplasm of the salivary gland**.
 - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the salivary gland**" means a primary malignant neoplasm arising from the cells of the major or minor salivary glands or salivary gland ducts. This definition excludes soft tissue sarcoma, carcinoid tumour, non-Hodgkin's lymphoma and Hodgkin's lymphoma.

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 salivary gland** and **death from malignant neoplasm of the salivary gland** 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 salivary gland** or **death from malignant neoplasm of the salivary gland** 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 salivary gland at least ten years before the clinical onset of malignant neoplasm of the salivary gland; or
 - (b) having received a cumulative equivalent dose of at least 0.5 sievert of ionising radiation to the salivary gland at least five years before the clinical onset of malignant neoplasm of the salivary gland, and when aged twenty years or less; or
 - (c) undergoing treatment with radioactive iodine for cancer before the clinical onset of malignant neoplasm of the salivary gland, where the first exposure occurred at least ten years before the clinical onset of malignant neoplasm of the salivary gland; or
 - (d) inability to obtain appropriate clinical management for malignant neoplasm of the salivary gland.

Factors that apply only to material contribution or aggravation

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

"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;

"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 30 March 2015.

Dated this **twenty-seventh**

day of **February** 2015



The Common Seal of the)
Repatriation Medical Authority)
was affixed at the direction of:)

PROFESSOR NICHOLAS SAUNDERS AO
CHAIRPERSON