



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
**MALIGNANT NEOPLASM OF THE TESTIS
AND PARATESTICULAR TISSUES**

No. 3 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 testis and paratesticular tissues No. 3 of 2015.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 15 of 2004 concerning malignant neoplasm of the testis and paratesticular tissues; 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 testis and paratesticular tissues** and **death from malignant neoplasm of the testis and paratesticular tissues**.
 - (b) For the purposes of this Statement of Principles, "**malignant neoplasm of the testis and paratesticular tissues**" means a primary malignant neoplasm arising from the cells of the testis or paratesticular tissues including the rete testis, epididymis, and spermatic cord, but excluding the tunica vaginalis. This definition excludes soft tissue sarcoma, non-Hodgkin's lymphoma and Hodgkin's lymphoma.

- (c) Malignant neoplasm of the testis and paratesticular tissues attracts ICD-10-AM code C62, C63.0 or C63.1.
- (d) In the application of this Statement of Principles, the definition of **"malignant neoplasm of the testis and paratesticular tissues"** is that given at paragraph 3(b) above.

Basis for determining the factors

- 4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **malignant neoplasm of the testis and paratesticular tissues** and **death from malignant neoplasm of the testis and paratesticular tissues** can be related to relevant service rendered by veterans, members of Peacekeeping Forces, 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 as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting **malignant neoplasm of the testis and paratesticular tissues** or **death from malignant neoplasm of the testis and paratesticular tissues** with the circumstances of a person's relevant service is:
 - (a) being infected with human immunodeficiency virus before the clinical onset of malignant neoplasm of the testis and paratesticular tissues; or
 - (b) inability to obtain appropriate clinical management for malignant neoplasm of the testis and paratesticular tissues.

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 testis and paratesticular tissues where the person's malignant neoplasm of the testis and paratesticular tissues 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:

"death from malignant neoplasm of the testis and paratesticular tissues" 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 paratesticular tissues;

"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), Eighth Edition, effective date of 1 July 2013, copyrighted by the Independent Hospital Pricing Authority, and having ISBN 978-1-74128-213-9;

"relevant service" means:

- (a) operational service under the VEA;
- (b) peacekeeping service under the VEA;
- (c) hazardous service under the VEA;
- (d) British nuclear test defence service under the VEA;
- (e) warlike service under the MRCA; or
- (f) non-warlike 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 120A of the VEA or section 338 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 27 January 2015.

Dated this *nineteenth* day of *December* 2014

The Common Seal of the
Repatriation Medical Authority
was affixed at the direction of:)
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PROFESSOR NICHOLAS SAUNDERS AO
CHAIRPERSON