

REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 82 of 2007

VETERANS' ENTITLEMENTS ACT 1986
MILITARY REHABILITATION AND COMPENSATION ACT 2004

EXPLANATORY NOTES FOR TABLING

1. The Repatriation Medical Authority ('the Authority'), under subsection 196B(8) of the *Veterans' Entitlements Act 1986* ('the VEA') revokes Instrument No. 16 of 2006 determined under subsection 196B(3) of the VEA concerning **non-melanotic malignant neoplasm of the skin** and **death from non-melanotic malignant neoplasm of the skin**.
2. The Repatriation Medical Authority ('the Authority'), under subsection 196B(8) of the *Veterans' Entitlements Act 1986* ('the VEA') also revokes Instrument No. 42 of 2001, as amended by Instrument No. 50 of 2001, determined under subsection 196B(2) of the VEA concerning **malignant neoplasm of the lip epithelium** and **death from malignant neoplasm of the lip epithelium**.
3. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that **non-melanotic malignant neoplasm of the skin** and **death from non-melanotic malignant neoplasm of the skin** can be related to particular kinds of service. The Authority has therefore determined pursuant to subsection 196B(3) of the VEA a Statement of Principles, Instrument No. 82 of 2007 concerning non-melanotic malignant neoplasm of the skin. This Instrument will in effect replace the revoked Statements of Principles.
4. The provisions of the *Military Rehabilitation and Compensation Act 2004* ('the MRCA') relating to claims for compensation commenced on 1 July 2004. Claims under section 319 of the MRCA for acceptance of liability for a service injury sustained, a service disease contracted or service death on or after 1 July 2004 are determined by the Military Rehabilitation and Compensation Commission by reference to Statements of Principles issued by the Authority pursuant to the VEA.
5. The Statement of Principles sets out the factors that must exist, and which of those factors must be related to the following kinds of service rendered by a person:
 - eligible war service (other than operational service) under the VEA;
 - defence service (other than hazardous service) under the VEA;
 - peacetime service under the MRCA,

before it can be said that, on the balance of probabilities, non-melanotic malignant neoplasm of the skin or death from non-melanotic malignant neoplasm of the skin is connected with the circumstances of that service.

6. This new instrument results from investigations notified by the Authority in the Government Notices Gazette of 1 March 2006 concerning malignant neoplasm of the lip epithelium and the Government Notices Gazette of 28 June 2006 concerning non-melanotic malignant neoplasm of the skin, in accordance with section 196G of the Act. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority, including the sound medical-scientific evidence it has previously considered.
7. The contents of the new Instrument are in similar terms as the revoked Instruments. Comparing the new and the revoked Instruments, the differences include:
 - Incorporating the instrument for malignant neoplasm of the lip epithelium into this instrument for non-melanotic malignant neoplasm of the skin;
 - adopting the latest revised Instrument format, which commenced in 2005;
 - deleting the ICD code from the Instrument header;
 - revising the definition of 'non-melanotic malignant neoplasm of the skin' in clause 3 of the Statement of Principles to incorporate non-melanotic malignant neoplasm of the lip epithelium, previously falling within the terms of the Instruments referred to in paragraph 2 above;
 - revising factor 6(f) concerning 'immunosuppressive drugs';
 - revising factor 6(k) concerning 'polycyclic aromatic hydrocarbons';
 - revising factor 6(l) concerning 'cutaneous contact';
 - new factor 6(o) concerning 'squamous cell carcinoma only', which revises factor 6(o) (ii) in the previous Statement of Principles;
 - revising definition of 'immunosuppressive drugs' in clause 9;
 - deleting definitions of 'being infected with human immunodeficiency virus (HIV)'; and 'having cutaneous contact of the affected site with polycyclic aromatic hydrocarbons (PAHs) as specified' in clause 9;
 - new definitions of 'agents containing high concentrations of polycyclic aromatic hydrocarbons (PAHs), as specified' and 'the lip' in clause 9; and
 - specifying a date of effect for the Instrument in clause 11.
8. Further changes to the format of the Instrument reflect the commencement of the MRCA and clarify that pursuant to subsection 196B(3A) of the VEA, the Statement of Principles has been determined for the purposes of both the VEA and the MRCA.
9. Prior to determining this instrument, the Authority advertised its intention to undertake an investigation in relation to malignant neoplasm of the lip epithelium skin in the Government Notices Gazette of 1 March 2006 and to undertake an investigation in relation to non-melanotic malignant neoplasm of the skin in the Government Notices Gazette of 28 June 2006. The Authority circulated a copy of the notices of intention to investigate to a wide range of organisations representing veterans, service personnel and their dependants. The Authority

invited submissions from the Repatriation Commission, organisations and persons referred to in section 196E of the VEA, and any person having expertise in the field. No submissions were received for consideration by the Authority during the investigation.

10. The determining of this new instrument finalises the investigation in relation to malignant neoplasm of the lip epithelium as advertised in the Government Notices Gazette of 1 March 2006 and the investigation in relation to non-melanotic malignant neoplasm of the skin as advertised in the Government Notices Gazette of 28 June 2006.
11. A list of references relating to the above condition is available, on written request, from the Repatriation Medical Authority Secretariat.