

REPATRIATION MEDICAL AUTHORITY

INSTRUMENT NO. 71 of 2009

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. 44 of 1997, determined under subsection 196B(3) of the VEA concerning **malignant neoplasm of the ovary**.
2. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that **malignant neoplasm of the ovary** and **death from malignant neoplasm of the ovary** 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. 71 of 2009 concerning malignant neoplasm of the ovary. This Instrument will in effect replace the revoked Statement of Principles.
3. 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.
4. 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, malignant neoplasm of the ovary or death from malignant neoplasm of the ovary is connected with the circumstances of that service.

5. This new instrument results from an investigation notified by the Authority in the Government Notices Gazette of 27 June 2007 concerning malignant neoplasm of the ovary in accordance with section 196G of the VEA. 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.

6. The contents of the new Instrument are in similar terms as the revoked Instrument. Comparing the new and the revoked Instruments, the differences include:
 - adopting the latest revised Instrument format, which commenced in 2005;
 - deleting the ICD code from the Instrument header;
 - revising the definition of 'malignant neoplasm of the ovary' in clause 3;
 - revising factor 6(a)(i) concerning 'being nulliparous' for epithelial ovarian cancer only;
 - new factor 6(a)(ii) concerning 'hormone replacement therapy' for epithelial ovarian cancer only;
 - new factor 6(b) concerning 'smoking' for mucinous ovarian tumours only;
 - new factor 6(c) concerning 'having endometriosis';
 - new factor 6(d) concerning 'atomic radiation';
 - new factor 6(e) concerning 'ionising radiation';
 - new definitions of 'atomic radiation', 'cumulative equivalent dose', 'death from malignant neoplasm of the ovary', 'hormone replacement therapy', 'ICD-10-AM code', 'pack years of cigarettes, or the equivalent thereof in other tobacco products' and 'terminal event' in clause 9;
 - revising definitions of 'nulliparous' and 'relevant service' in clause 9;
 - deleting definitions of 'epithelial ovarian cancer', 'hysterectomy', 'ICD code', 'oral contraceptive pill' and 'tubal ligation'; and
 - specifying a date of effect for the Instrument in clause 11.
7. 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.
8. Prior to determining this instrument, the Authority advertised its intention to undertake an investigation in relation to malignant neoplasm of the ovary in the Government Notices Gazette of 27 June 2007, and circulated a copy of the notice 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.
9. The determining of this new instrument finalises the investigation in relation to malignant neoplasm of the ovary as advertised in the Government Notices Gazette of 27 June 2007.

10. A list of references relating to the above condition is available to any person or organisation referred to in subsection 196E(1)(a) to (c) of the VEA. Any such request must be made in writing to the Repatriation Medical Authority at the following address:

The Registrar
Repatriation Medical Authority Secretariat
GPO Box 1014
BRISBANE QLD 4001