



# **Statement of Principles concerning malignant neoplasm of the eye (Balance of Probabilities) (No. 28 of 2018)**

made under subsection 196B(3) of the  
*Veterans' Entitlements Act 1986*

## **Compilation No. 1**

**Compilation date:** 23 March 2020

**Includes amendments up to:** Amendment Statement of Principles concerning malignant neoplasm of the eye (Balance of Probabilities) (No. 20 of 2020) (F2020L00200)

The day of commencement of this Amendment Statement of Principles concerning malignant neoplasm of the eye is 23 March 2020.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane

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## About this compilation

### This compilation

This is a compilation of the *Statement of Principles concerning malignant neoplasm of the eye (Balance of Probabilities) (No. 28 of 2018)* that shows the text of the law as amended and in force on 23 March 2020.

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.



**Australian Government**  
**Repatriation Medical Authority**

**Statement of Principles**  
**concerning**  
**MALIGNANT NEOPLASM OF THE EYE**  
**(Balance of Probabilities)**  
**(No. 28 of 2018)**

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The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 2 March 2018

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*Statement of Principles concerning*  
*Malignant Neoplasm Of The Eye (Balance of Probabilities) (No. 28 of 2018)*  
*Veterans' Entitlements Act 1986*

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**1 Name**

This is the Statement of Principles concerning *malignant neoplasm of the eye (Balance of Probabilities)* (No. 28 of 2018).

**2 Commencement**

This instrument commences on 2 April 2018.

**3 Authority**

This instrument is made under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

**4 Revocation**

The Statement of Principles concerning malignant neoplasm of the eye No. 16 of 2010 made under subsection 196B(3) of the VEA is revoked.

**5 Application**

This instrument applies to a claim to which section 120B of the VEA or section 339 of the *Military Rehabilitation and Compensation Act 2004* applies.

**6 Definitions**

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

**7 Kind of injury, disease or death to which this Statement of Principles relates**

- (1) This Statement of Principles is about malignant neoplasm of the eye and death from malignant neoplasm of the eye.

*Meaning of malignant neoplasm of the eye*

- (2) For the purposes of this Statement of Principles, malignant neoplasm of the eye:
- (a) means a primary malignant neoplasm arising from the tissue of the eyeball and conjunctiva; and
  - (b) includes:
    - (i) malignant melanoma of the uveal tract (iris, ciliary body and choroid); and
    - (ii) malignant melanoma of the conjunctiva, including melanoma in situ; and

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- (iii) squamous cell carcinoma of the cornea or the conjunctiva, including carcinoma in situ; and
- (c) excludes eye retinoblastoma, connective tissue and bone tumours (sarcomas), vascular tumours (sarcoma), non-Hodgkin's lymphoma, Hodgkin's lymphoma and carcinoid tumour.

Note: The eye means the eyeball with conjunctival covering but excluding extraocular muscles, connecting nerves (optic nerve, autonomic sympathetic and parasympathetic nerves), arteries, veins and lymphatics, other orbital contents such as orbital fat and orbital bone, eyelid skin, Meibomian glands, the caruncle and the lacrimal apparatus.

- (3) While malignant neoplasm of the eye attracts ICD-10-AM code C69.0, C69.1, C69.2, C69.3, C69.4, C69.8, C69.9 or D09.2, in applying this Statement of Principles the meaning of malignant neoplasm of the eye is that given in subsection (2).
- (4) For subsection (3), a reference to an ICD-10-AM code is a reference to the code assigned to a particular kind of injury or disease in *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification (ICD-10-AM)*, Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

#### *Death from malignant neoplasm of the eye*

- (5) For the purposes of this Statement of Principles, malignant neoplasm of the eye, 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 eye.

Note: *terminal event* is defined in the Schedule 1 – Dictionary.

### **8 Basis for determining the factors**

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 eye and death from malignant neoplasm of the eye can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

Note: *MRCA*, *relevant service* and *VEA* are defined in the Schedule 1 – Dictionary.

### **9 Factors that must exist**

At least one of the following factors must exist before it can be said that, on the balance of probabilities, malignant neoplasm of the eye or death from malignant neoplasm of the eye is connected with the circumstances of a person's relevant service:

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- (1) having sunlight or ultraviolet light exposure to the eye for a cumulative period of at least 4 500 hours while in a tropical area, or having equivalent sunlight exposure in other latitude zones, before the clinical onset of malignant neoplasm of the eye;

Note: *equivalent sunlight exposure in other latitude zones* and *tropical area* are defined in the Schedule 1 - Dictionary.

- (2) having ultraviolet radiation exposure from an ultraviolet-emitting tanning device to the unprotected eye on at least 20 occasions, at least five years before the clinical onset of malignant neoplasm of the eye;

Note: *unprotected eye* is defined in the Schedule 1 - Dictionary.

- (3) being infected with human immunodeficiency virus before the clinical onset of malignant neoplasm of the eye;

- (4) being treated with an immunosuppressive drug:
  - (a) for a cumulative period of at least three months before the clinical onset of malignant neoplasm of the eye; and
  - (b) where the first treatment occurred at least five years before the clinical onset of malignant neoplasm of the eye; and
  - (c) where that exposure has ceased, the clinical onset of malignant neoplasm of the eye has occurred within ten years of cessation;

Note: *immunosuppressive drug* is defined in the Schedule 1 - Dictionary.

- (5) having a solid organ or stem cell transplantation before the clinical onset of malignant neoplasm of the eye;

- (6) for uveal melanoma of the eye only, using manual welding equipment for welding metal, for a cumulative period of at least ten years before the clinical onset of malignant neoplasm of the eye;

- (7) for melanoma of the eye only, having at least four episodes of photokeratitis of the affected eye, where the first exposure occurred at least five years before the clinical onset of malignant neoplasm of the eye;

Note: *photokeratitis* is defined in the Schedule 1 - Dictionary.

- (8) for conjunctival melanoma of the eye only, receiving a conjunctival transplant to the affected eye before the clinical onset of malignant neoplasm of the eye;

- (9) for squamous cell carcinoma of the cornea or the conjunctiva only:
  - (a) having ultraviolet radiation exposure from whole body PUVA therapy to the unprotected eye, where:

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- (i) the first PUVA treatment commenced at least five years before the clinical onset of malignant neoplasm of the eye; and
  - (ii) at least 50 PUVA treatments were administered before the clinical onset of malignant neoplasm of the eye; or

Note: *unprotected eye* and *whole body PUVA* are defined in the Schedule 1 - Dictionary.

- (b) being treated with voriconazole for a continuous period of at least the two months before the clinical onset of malignant neoplasm of the eye;
- (10) for squamous cell carcinoma of the conjunctiva only, having an ocular prosthesis in an anophthalmic socket of the affected eye for more than ten years before the clinical onset of malignant neoplasm of the eye;
  - (11) inability to obtain appropriate clinical management for malignant neoplasm of the eye.

## **10 Relationship to service**

- (1) The existence in a person of any factor referred to in section 9, must be related to the relevant service rendered by the person.
- (2) The factor set out in subsection 9(11) applies only to material contribution to, or aggravation of, malignant neoplasm of the eye where the person's malignant neoplasm of the eye was suffered or contracted before or during (but did not arise out of) the person's relevant service.

## **11 Factors referring to an injury or disease covered by another Statement of Principles**

In this Statement of Principles:

- (1) if a factor referred to in section 9 applies in relation to a person; and
- (2) that factor refers to an injury or disease in respect of which a Statement of Principles has been determined under subsection 196B(3) of the VEA;

then the factors in that Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.



# Schedule 1 - Dictionary

Note: See Section 6

## 1 Definitions

In this instrument:

***equivalent sunlight exposure in other latitude zones*** means the cumulative hours of sunlight exposure equivalent to that specified for a tropical area, calculated by multiplying the hours of exposure in each latitude zone by the latitude weighting factor for the zone as per the latitude weighting factor schedule and adding together the result for each zone:

### Latitude weighting factor schedule

<u>Latitude zone</u>	<u>Latitude weighting factor</u>
a latitude between 23° 27' South and 23° 27' North	1.0
a latitude from > 23° 27' to 35°	0.75
a latitude from > 35° to 45°	0.5
a latitude from > 45° to 65°	0.25.

Note: ***tropical area*** is also defined in the Schedule 1 - Dictionary.

***immunosuppressive drug*** means a drug or an agent which results in substantial suppression of immune responses.

Note: Examples of an immunosuppressive drug include, but are not limited to:

- (a) chemotherapeutic agents used for the treatment of cancer;
- (b) corticosteroids, other than inhaled or topical corticosteroids;
- (c) drugs used to prevent transplant rejection; and
- (d) tumour necrosis factor- $\alpha$  inhibitors.

***malignant neoplasm of the eye***—see subsection 7(2).

***MRCA*** means the *Military Rehabilitation and Compensation Act 2004*.

***photokeratitis*** means a clinical illness manifesting from radiation damage to the cornea and conjunctiva by exposure of the eye to ultraviolet light rays from natural sources including snowblindness or artificial sources including electrical arc welding.

***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.

Note: ***MRCA*** and ***VEA*** are also defined in the Schedule 1 - Dictionary.

***terminal event*** means the proximate or ultimate cause of death and includes the following:

- (a) pneumonia;
- (b) respiratory failure;

- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

**tropical area** means any area between the Tropic of Capricorn (23° 27' South) and the Tropic of Cancer (23° 27' North).

**unprotected eye** means an eye not protected by ultraviolet radiation screening devices such as goggles.

**VEA** means the *Veterans' Entitlements Act 1986*.

**whole body PUVA** means photochemotherapy with oral methoxsalen (psoralen) and ultraviolet A radiation. It does not include localised PUVA therapy.

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	
exp = expires/expired or ceases/ceased to have effect	reloc = relocated
F = Federal Register of Legislation	renum = renumbered
gaz = gazette	rep = repealed
LA = <i>Legislation Act 2003</i>	rs = repealed and substituted
LIA = <i>Legislative Instruments Act 2003</i>	s = section(s)/subsection(s)
(md) = misdescribed amendment can be given effect	Sch = Schedule(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sdiv = Subdivision(s)
mod = modified/modification	SLI = Select Legislative Instrument
No. = Number(s)	SR = Statutory Rules
	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Statement of Principles concerning malignant neoplasm of the eye (Balance of Probabilities) (No. 28 of 2018)</i>	5 March 2018 F2018L00197	2 April 2018	
<i>Amendment Statement of Principles concerning malignant neoplasm of the eye (Balance of Probabilities) (No. 20 of 2020)</i>	2 March 2020 F2020L00200	23 March 2020	

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**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
Clause 9(4).....	rs. No. 20 of 2020
Schedule 1 – Dictionary – immunosuppressive drug.....	rs. No. 20 of 2020