



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
MALIGNANT MELANOMA OF THE SKIN
(Balance of Probabilities)
(No. 103 of 2015)

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

Dated 21 August 2015

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

A handwritten signature in black ink, appearing to read 'Nicholas Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *malignant melanoma of the skin (Balance of Probabilities)* (No. 103 of 2015).

2 Commencement

This instrument commences on **21 September 2015**.

3 Authority

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

4 Revocation

The Statement of Principles concerning malignant melanoma of the skin No. 80 of 2007 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 melanoma of the skin and death from malignant melanoma of the skin.

Meaning of malignant melanoma of the skin

- (2) For the purposes of this Statement of Principles, malignant melanoma of the skin:
- (a) means a malignant neoplasm arising from the melanocyte cell lines within the skin; and
 - (b) includes melanoma in situ (lentigo maligna), malignant melanoma of the lips and malignant melanoma of the anogenital skin; and
 - (c) excludes malignant melanoma of the mucosa lining the oral (inner) aspects of the lips, malignant melanoma of the anogenital mucosa, ocular melanoma, and malignant melanoma of the stratified epithelia of the oropharynx, paranasal sinuses and tarsal conjunctiva.

Death from malignant melanoma of the skin

- (3) For the purposes of this Statement of Principles, malignant melanoma of the skin, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's malignant melanoma of the skin.

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

Note: *relevant service* is 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 melanoma of the skin or death from malignant melanoma of the skin is connected with the circumstances of a person's relevant service:

- (1) having sunburn as specified, at least five years before the clinical onset of malignant melanoma of the skin;

Note: *sunburn as specified* is defined in the Schedule 1 - Dictionary.

- (2) having sunlight or ultraviolet light exposure to unprotected skin at the affected site 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 melanoma of the skin;

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

- (3) having ultraviolet radiation exposure from an ultraviolet-emitting tanning device on at least 20 occasions before the clinical onset of malignant melanoma of the skin, where the first exposure occurred more than five years before the clinical onset of malignant melanoma of the skin;
- (4) undergoing solid organ or bone marrow transplantation before the clinical onset of malignant melanoma of the skin;
- (5) being treated with an immunosuppressive drug within the two years before the clinical onset of malignant melanoma of the skin;

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

- (6) having PUVA therapy, where:
 - (a) the first PUVA treatment commenced at least 15 years before the clinical onset of malignant melanoma of the skin; and
 - (b) at least 250 PUVA treatments were administered, before the clinical onset of malignant melanoma of the skin;

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

- (7) being infected with human immunodeficiency virus before the clinical onset of malignant melanoma of the skin;
- (8) having non-Hodgkin's lymphoma or chronic lymphocytic leukaemia/small cell lymphoma before the clinical onset of malignant melanoma of the skin;
- (9) having Parkinson's disease before the clinical onset of malignant melanoma of the skin;
- (10) inability to obtain appropriate clinical management for malignant melanoma of the skin.

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(10) applies only to material contribution to, or aggravation of, malignant melanoma of the skin where the person's malignant melanoma of the skin 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

Latitude zone	Latitude weighting factor
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.

immunosuppressive drug means a drug or an agent which results in substantial suppression of immune responses. This definition includes corticosteroids other than inhaled or topical corticosteroids, drugs used to prevent transplant rejection, tumour necrosis factor- α inhibitors and chemotherapeutic agents used for the treatment of cancer.

malignant melanoma of the skin—see subsection 7(2).

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

PUVA means photochemotherapy with oral methoxsalen (psoralen) and ultraviolet A radiation.

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.

sunburn as specified means painful erythema of the skin of at least 48 hours duration, or blistering of the skin, resulting from exposure to solar ultraviolet radiation.

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 skin means skin that is directly exposed to the sun and is not protected by sunscreen, clothing or other physical barrier.

VEA means the *Veterans' Entitlements Act 1986*.