



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
SOFT TISSUE SARCOMA
No. 5 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 soft tissue sarcoma No. 5 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. 13 of 2006 concerning soft tissue sarcoma; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **soft tissue sarcoma** and **death from soft tissue sarcoma**.
 - (b) For the purposes of this Statement of Principles, "**soft tissue sarcoma**" means a malignant neoplasm derived from extraskelatal connective tissue, including fibrous, fat, smooth muscle, nerve, vascular, histiocytic and synovial tissue, and which can occur at any site in the body. This definition includes atypical fibroxanthoma and mullerian adenosarcoma, but excludes mesothelioma, Kaposi's sarcoma, malignant neoplasm of bone and articular cartilage, and malignant neoplasm of the lymphopoietic and haematopoietic tissue.

- (c) Soft tissue sarcoma attracts ICD-10-AM code C22.3, C22.4, C30.0, C32.3, C47, C48 or C49.
- (d) In the application of this Statement of Principles, the definition of "**soft tissue sarcoma**" 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 **soft tissue sarcoma** and **death from soft tissue sarcoma** 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 **soft tissue sarcoma** or **death from soft tissue sarcoma** with the circumstances of a person's relevant service is:
 - (a) being:
 - (i) on land in Vietnam; or
 - (ii) at sea in Vietnamese waters; or
 - (iii) on board a vessel and consuming potable water supplied on that vessel, when the water supply had been produced by evaporative distillation of estuarine Vietnamese waters;for a cumulative period of at least 30 days, at least five years before the clinical onset of soft tissue sarcoma; or
 - (b) inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD) for a cumulative period of at least 250 hours, at least two years before the clinical onset of soft tissue sarcoma; or
 - (c) having received a cumulative equivalent dose of at least 0.1 sievert of ionising radiation to the affected region at least two years before the clinical onset of soft tissue sarcoma; or
 - (d) for angiosarcoma only:
 - (i) having received a cumulative equivalent dose of at least 0.1 sievert of ionising radiation to the affected region at least one year before the clinical onset of soft tissue sarcoma; or
 - (ii) having lymphoedema of the affected region at the time of the clinical onset of soft tissue sarcoma; or

- (e) inhaling a cumulative dose of at least 200 ppm-years of gaseous vinyl chloride at least two years before the clinical onset of soft tissue sarcoma; or
- (f) being treated with an immunosuppressive drug for at least three months before the clinical onset of soft tissue sarcoma; or
- (g) being obese for a period of at least five years within the 20 years before the clinical onset of soft tissue sarcoma; or
- (h) for uterine sarcoma only:
 - (i) undergoing treatment with tamoxifen for a period of at least two months before the clinical onset of soft tissue sarcoma; or
 - (ii) having diabetes mellitus for at least five years before the clinical onset of soft tissue sarcoma; or
- (i) being infected with human immunodeficiency virus before the clinical onset of soft tissue sarcoma; or
- (j) having cutaneous scarring for at least three years before the clinical onset of soft tissue sarcoma at that site; or
- (k) for hepatic angiosarcoma only, being exposed to arsenic as specified before the clinical onset of soft tissue sarcoma, where the first exposure to arsenic occurred at least five years before the clinical onset of soft tissue sarcoma; or
- (l) for cutaneous atypical fibroxanthoma only, having chronic solar skin damage involving the area of skin affected by the cutaneous atypical fibroxanthoma at the time of the clinical onset of soft tissue sarcoma; or
- (m) inability to obtain appropriate clinical management for soft tissue sarcoma.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(m) applies only to material contribution to, or aggravation of, soft tissue sarcoma where the person's soft tissue sarcoma 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:

"an 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;

"angiosarcoma" means lymphangiosarcoma or haemangiosarcoma;

"being exposed to arsenic as specified" means:

- (a) being involved in the manufacture of pesticides containing arsenic for a cumulative period of at least 365 days;
- (b) consuming arsenic containing compounds (for example, Fowler's solution) for a cumulative period of at least 90 days;
- (c) consuming drinking water with an average arsenic concentration of at least 50 micrograms per litre for a cumulative period of at least ten years;
- (d) consuming drinking water resulting in a cumulative total arsenic exposure equivalent to having consumed drinking water containing at least 50 micrograms per litre for at least ten years;
- (e) handling pesticides containing arsenic for a cumulative period of at least 365 days; or
- (f) having clinical evidence of chronic arsenic toxicity;

"being obese" means an increase in body weight by way of fat accumulation which results in a Body Mass Index (BMI) of 30 or greater.

The $BMI = W/H^2$ and where:

W is the person's weight in kilograms; and

H is the person's height in metres;

"being:

(i) **on land in Vietnam; or**

(ii) **at sea in Vietnamese waters;"** means service in at least one of the areas and at the times described in Items 4 and 8 of Schedule 2 of the VEA;

"cumulative equivalent dose" means the total dose of ionising radiation received by the particular organ or tissue. The formula used to calculate the cumulative equivalent dose allows doses from multiple types of ionising radiation to be combined, by accounting for their differing biological effect. The unit of equivalent dose is the sievert. For the purposes of this Statement of Principles, the calculation of cumulative equivalent dose excludes doses received from normal background radiation, but includes therapeutic radiation, diagnostic radiation, cosmic radiation at high altitude, radiation from occupation related sources and radiation from nuclear explosions or accidents;

"death from soft tissue sarcoma" in relation to a person includes death from a terminal event or condition that was contributed to by the person's soft tissue sarcoma;

"estuarine Vietnamese waters" means at least one of the waterways or harbours in the relevant areas described in Items 4 and 8 of Schedule 2 of the VEA;

"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;

"inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD)" means:

- (a) decanting or spraying;
- (b) cleaning or maintaining equipment used to apply;
- (c) being sprayed with;
- (d) handling or sawing timber treated with;
- (e) being in an environment shrouded in dust from timber treated with; or
- (f) using cutting oils contaminated with;

one of the following chemicals:

- (i) 2,4,5-trichlorophenoxyacetic acid;
- (ii) 2,4,5-trichlorophenoxypropionic acid;
- (iii) 2,4,5-trichlorophenol;
- (iv) 2-(2,4,5-trichlorophenoxy)-ethyl 2,2-dichloropropionate;
- (v) o,o-dimethyl-o-(2,4,5-trichlorophenyl)-phosphorothioate;
- (vi) pentachlorophenol;
- (vii) 2,3,4,6-tetrachlorophenol;
- (viii) 2,4,6-trichlorophenol;
- (ix) 1,3,4-trichloro-2-(4-nitrophenoxy)benzene;
- (x) 2,4-dichloro-1-(4-nitrophenoxy)benzene; or
- (xi) 2,4-dichloro-1-(3-methoxy-4-nitrophenoxy)-benzene;

"lymphoedema" means chronic oedema due to accumulation of interstitial fluid as a result of stasis of lymph, which is secondary to obstruction of lymph vessels or disorders of the lymph nodes;

"ppm-years" means parts per million multiplied by years of exposure;

"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