

# REVOKED

## Revocation and Determination

of

## Statement of Principles concerning

# NON MELANOTIC MALIGNANT NEOPLASM OF THE SKIN

ICD-10-AM CODE: C44

## *Veterans' Entitlements Act 1986*

1. The Repatriation Medical Authority under subsection **196B(2)** of the *Veterans' Entitlements Act 1986* (the Act):
  - (a) revokes Instrument No.45 of 1998; and
  - (b) determines in its place the following Statement of Principles.

### **Kind of injury, disease or death**

2. (a) This Statement of Principles is about **non melanotic malignant neoplasm of the skin and death from non melanotic malignant neoplasm of the skin.**
- (b) For the purposes of this Statement of Principles, “**non melanotic malignant neoplasm of the skin**” means a primary malignant neoplasm of the skin, including squamous cell carcinoma, basal cell carcinoma and Merkel cell carcinoma, but excluding malignant melanoma, soft tissue sarcoma, lymphoma and Paget's disease of the skin, attracting ICD-10-AM code C44.

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

3. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **non melanotic malignant neoplasm of the skin and death from non melanotic malignant**

**neoplasm of the skin** can be related to relevant service rendered by veterans, members of Peacekeeping Forces, or members of the Forces.

**Factors that must be related to service**

4. Subject to clause 6, at least one of the factors set out in clause 5 must be related to any relevant service rendered by the person.

**Factors**

5. The factors that must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting **non melanotic malignant neoplasm of the skin** or **death from non melanotic malignant neoplasm of the skin** with the circumstances of a person's relevant service are:
- (a) being a prisoner of war of Japan before the clinical onset of non melanotic malignant neoplasm of the skin; or
  - (b) having a solar UV damage factor ratio of at least 1.1 for the affected area at the time of the clinical onset of non melanotic malignant neoplasm of the skin; or
  - (c) for squamous cell carcinoma and basal cell carcinoma only,
    - (i) suffering from cutaneous scarring of the affected site for at least six months immediately before the clinical onset of non melanotic malignant neoplasm of the skin; or
    - (ii) suffering from cutaneous ulceration of the affected site for at least six months immediately before the clinical onset of non melanotic malignant neoplasm of the skin; or
    - (iii) suffering from an infected cutaneous sinus tract at the affected site for at least six months immediately before the clinical onset of non melanotic malignant neoplasm of the skin; or
    - (iv) exposure of the affected site to mustard gas before the clinical onset of non melanotic malignant neoplasm of the skin; or
  - (d) receiving a course of therapeutic radiation to the affected site at least five years before the clinical onset of non melanotic malignant neoplasm of the skin; or

- (e) receiving a cumulative equivalent dose of at least 0.05 Sievert (Sv) of atomic radiation to the affected site where this dose was accumulated at least five years before the clinical onset of non melanotic malignant neoplasm of the skin; or
- (f) ingesting arsenic or arsenic containing compounds where ingestion commenced at least 10 years before the clinical onset of non melanotic malignant neoplasm of the skin; or
- (g) consuming drinking water with arsenic content higher than 0.1 parts per million:
  - (i) where consumption commenced at least 10 years before, and
  - (ii) consumption occurred on more days than not for a cumulative period of at least five years beforethe clinical onset of non melanotic malignant neoplasm of the skin; or
- (h) being involved in the manufacture of arsenic-containing pesticides or spraying pesticides containing arsenic, and in each case, at least 10 years before the clinical onset of non melanotic malignant neoplasm of the skin; or
- (j) being treated with immunosuppressive drugs for organ transplantation before the clinical onset of non melanotic malignant neoplasm of the skin; or
- (k) suffering from non-Hodgkin's lymphoma or chronic lymphoid leukaemia before the clinical onset of non melanotic malignant neoplasm of the skin; or
- (m) having PUVA therapy where:
  - (i) the first PUVA treatment commenced at least 5 years before, and
  - (ii) at least 25 PUVA treatments were administered beforethe clinical onset of non melanotic malignant neoplasm of the skin; or
- (n) having cutaneous contact with polycyclic aromatic hydrocarbons (PAHs) on more days than not for a cumulative period of at least

five years before the clinical onset of non melanotic malignant neoplasm of the skin; or

- (o) inability to obtain appropriate clinical management for non melanotic malignant neoplasm of the skin.

### **Factors that apply only to material contribution or aggravation**

- 6. Paragraph 5(o) applies only to material contribution to, or aggravation of, non melanotic malignant neoplasm of the skin where the person's non melanotic malignant neoplasm of the skin was suffered or contracted before or during (but not arising out of) the person's relevant service; paragraph 8(1)(e), 9(1)(e), 70(5)(d) or 70(5A)(d) of the Act refers.

### **Inclusion of Statements of Principles**

- 7. 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.

### **Other definitions**

- 8. For the purposes of this Statement of Principles:

**“a course of therapeutic radiation”** means one or more fractions (treatment portions) of ionising radiation administered with the aim of achieving palliation or cure with gamma rays, x-rays, alpha particles or beta particles;

**“atomic radiation”** means ionising radiation excluding:

- (i) natural background radiation;
- (ii) therapeutic radiation; and
- (iii) radiation from diagnostic procedures;

**“cumulative equivalent dose”** means the total equivalent dose of atomic radiation from all types of radiation (eg alpha, gamma). It accounts for the differences in biological effectiveness of various types of radiation and allows doses from different radiations to be combined. Each component is calculated by multiplying the absorbed dose in a particular tissue or organ for a given type of radiation by the radiation weighting factor for that radiation. The unit of equivalent dose is the Sievert (Sv);

**“death from non melanotic malignant neoplasm of the skin”** in relation to a person includes death from a terminal event or condition

that was contributed to by the person's non melanotic malignant neoplasm of the skin;

**“having cutaneous contact with polycyclic aromatic hydrocarbons (PAHs)”** means:

- (i) handling soot;
- (ii) handling metal working fluids containing PAH;
- (iii) handling creosotes; or
- (iv) being exposed to fumes from molten bitumen;

**“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), Second Edition, effective date of 1 July 2000, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 271 3;

**“ingesting arsenic or arsenic containing compounds”** means consuming arsenic through regular medicinal treatment with inorganic trivalent arsenic compounds such as Fowler's solution or Donovan's solution;

**“mustard gas”** means dichlorodiethylsulphide, and is also known as sulphur mustard and yellow cross liquid;

**“PUVA”** means photochemotherapy with oral methoxsalen (psoralen) and ultraviolet A radiation;

**“relevant service”** means:

- (a) operational service; or
- (b) peacekeeping service; or
- (c) hazardous service;

**“sinus tract”** means an abnormal channel or fistula permitting the escape of pus;

**“solar UV damage factor ratio”** means the value obtained by applying the solar UV damage factor ratio formula. This may be calculated by using the computer program, UV Risk Version 3.3 (created by the Australian Radiation Laboratory using Microsoft® Visual Basic™ Programming System for Windows™ Professional Edition, Version 3.0) to the data concerning the exposure of the person to ultra violet (UV) radiation;

**Note:** (this note does not form part of the instrument) The computer program UV Risk Version 3.3 can be run on a personal computer with at least 8 megabytes of Random Access Memory, using the Microsoft® Windows™ version 3.1 graphical user interface. Further information may be obtained from the Department of Veterans' Affairs, PO Box 21, Woden ACT 2606.

**“solar UV damage factor ratio formula”** means:

$$\frac{\text{total lifetime UV damage factor}}{\text{non-service UV damage factor}}$$

where:

**“total lifetime UV damage factor”** means the numerical value calculated by the formula:

$$[\text{MED}_{\text{cum}}(a,T)]^{\beta-1} \cdot \sum_{t=0}^T \text{PAE}(n,M,a) \text{ at age } (T-t) \cdot t^{\alpha-\beta}$$

for the person's lifetime to the time of the clinical onset of malignant melanoma of the skin; and

**“non-service UV damage factor”** means the numerical value calculated by the formula:

$$[\text{MED}_{\text{cum}}(a,T)]^{\beta-1} \cdot \sum_{t=0}^T \text{PAE}(n,M,a) \text{ at age } (T-t) \cdot t^{\alpha-\beta}$$

for the person's lifetime to the time of the clinical onset of malignant melanoma of the skin, with the PAE for each month of the person's period or periods of relevant service being the arithmetic mean of the PAE for each and every month of the person's life, other than the period or periods of relevant service, where:

**“α”** has the value of five and is a numerical constant associated with the age dependence of the cumulative incidence;

**“β”** has the value of two and is a biological amplification factor;

**“a”** is an anatomical body site;

**“M”** is a specified month of the year;

“MED” means minimal erythema dose, where one MED is equal to 200 Joules of radiation per square metre of skin;

“[MED cum (a,T)]” is the cumulative solar UV dose to the skin for any given anatomical body site for the person’s age at the time of the clinical onset of malignant melanoma of the skin;

“n” has the value specified in column 2 of Table 1 opposite the item in column 1 of that Table for each of the specified life activities set out in column 1:

**Table 1—specified life activities**

column 1	column 2
Service workday (n <sub>1</sub> )	1
Service weekend (n <sub>2</sub> )	2
Service recreation period one (n <sub>3</sub> )	3
Service recreation period two (n <sub>4</sub> )	4
Civilian workday (n <sub>5</sub> )	5
Civilian weekend (n <sub>6</sub> )	6
Civilian recreation period one (n <sub>7</sub> )	7
Civilian recreation period two (n <sub>8</sub> )	8

“PAE” means personal ambient exposure in MEDs, calculated for each and every month of a person’s life to the time of the clinical onset of malignant melanoma of the skin based on an estimate of a typical month during each of the five year periods between the ages of 0 and 20 years and each of the ten year periods thereafter;

“PAE (n,M,a)” means the number calculated by the formula:

$$\sum_{n_1}^{n_8} MAE (M,L_n) \cdot ABF_a \cdot EF_n \cdot TRF_n \cdot ESF_n \cdot CPF_n \cdot ERF_n \cdot W_n$$

where:

“ABF<sub>a</sub>” is the anatomical body factor, and has the value specified in column 2 of Table 2 opposite the item in column 1 of that Table for each of the various body sites set out in column 1:

**Table 2—body sites**

column 1	column 2
Face	0.15
Hand	0.25
Leg	0.25
Arm	0.40
Back	0.50

“CPF<sub>n</sub>” is the clothing protection factor, and has the value assigned to a particular anatomical site

proportionately according to the amount of protection provided by clothing and sun screen, ranging from a value of 1.00 for no protection to a value of 0.05 for full cover with heavy clothing for a given specified life activity in column 1 of Table 1;

**“EF<sub>n</sub>”**

is the exposure factor, and has the value specified in column 2 of Table 3 opposite the item in column 1 of that Table for different exposure situations set out in column 1:

**Table 3—exposure situations**

column 1	column 2
Indoor	0.10
Mainly indoor	0.20
Indoor and outdoor	0.35
Mainly outdoor	0.50
Outdoor	0.60

**“ERF<sub>n</sub>”**

is the environment reflectance factor, and has the value specified in column 2 of Table 4 opposite the item in column 1 of that Table for the different environment types set out in column 1:

**Table 4—environment types**

column 1	column 2
Urban	0.95
Rural	1.00
Maritime	1.00

where:

**“Urban”** means a location that is either a city or a town;

**“Rural”** means a location that is bushland, pastoral, or agricultural setting;

**“Maritime”** means either on the sea, lake, major river, or directly adjacent to such a body of water;

**“ESF<sub>n</sub>”**

is the environment shade factor, and has the value specified in column 2 of Table 5 opposite the item in column 1 of that Table for the different environment shade types set out in column 1:

**Table 5—environment shade types**

column 1	column 2
Dense shade	0.50
Moderate shade	0.70
Light shade	0.90
No shade	1.00

where:

**“Dense shade”** means a location that is predominantly under dense shade, such as jungle or dense forest;

**“Moderate shade”** means a location that is predominantly under moderate shade, such as open forest or high density housing;

**“Light shade”** means a location that is predominantly under light shade, such as lightly timbered country or low density housing;

**“No shade”** means a location that is predominantly without shade, such as open fields, tundra, beach, or ocean;

**“MAE(M,L<sub>n</sub>)”** is the average daily ambient exposure for month, M, in location, L, assuming a long term average cloud cover, being the value, obtained from the Table set out in Schedule 1, that is contained in the row that corresponds to the particular latitude (rounded to the nearest five degrees) and is contained in the column that corresponds to the month of the year that is the particular month under consideration, for each specified life activity;

**“TRF<sub>n</sub>”** is the terrain reflectance factor, and has the value specified in column 2 of Table 6 opposite the item in column 1 of that Table for the different terrain types set out in column 1:

**Table 6—terrain types**

column 1	column 2
Brown	1.02
Black	1.04
Green	1.05
Open water	1.08
Sand	1.16
Snow	1.40

where:

**“Black”** means a terrain predominantly of black material such as asphalt;

**“Brown”** means a terrain predominantly of bare soil, clay, or buildings;

**“Green”** means a terrain predominantly of green vegetation;

**“Open Water”** means an environment surrounded by water;

**“Sand”** means a terrain predominantly of light material such as white or yellow sand;

**“Snow”** means a terrain that is predominantly covered in snow;

**“W<sub>n</sub>”** is an estimate of the number of days in a month in which a specified life activity in column 1 of Table 1 is performed, and where, for the purposes of this definition, every month is taken to have 30.4375 days;

**“t”** is the age in months of the person for the particular specified activity;

**“T”** is the age in months of the person at the time of clinical onset of malignant melanoma of the skin;

**“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**

9. This Instrument applies to all matters to which section 120A of the Act applies.

Dated this *Twenty-fourth* day of *May* 2001

The Common Seal of the )  
Repatriation Medical Authority )  
was affixed to this instrument )  
in the presence of: )

KEN DONALD  
CHAIRMAN

### Schedule 1

#### Average daily MED calculated for the given month and latitude Data assumes long-term average cloud cover

Latitude	January	February	March	April	May	June	July	August	September	October	November	December
85°N	0.00	0.10	0.10	0.10	0.10	1.00	1.00	0.10	0.10	0.10	0.10	0.00
80°N	0.00	0.10	0.20	1.00	2.00	3.00	3.00	2.00	0.50	0.10	0.10	0.00
75°N	0.00	0.10	0.50	2.00	3.00	5.00	5.00	3.00	1.00	0.20	0.10	0.00
70°N	0.00	0.21	0.90	2.95	5.81	7.83	8.01	5.17	1.97	0.44	0.07	0.00
65°N	0.21	0.62	1.66	4.13	7.06	9.42	9.49	6.72	3.11	1.08	0.35	0.18
60°N	0.41	1.03	2.42	5.30	8.32	11.11	11.05	8.38	4.28	1.72	0.60	0.35
55°N	0.62	1.44	3.18	6.48	9.94	12.71	12.71	10.14	5.76	2.61	0.90	0.53
50°N	0.82	1.85	3.95	7.66	11.66	14.37	14.46	12.01	7.37	3.64	1.22	0.71
45°N	1.97	3.46	5.97	9.67	13.35	16.25	15.98	14.68	9.69	5.62	2.67	1.79
40°N	3.12	5.06	7.99	11.68	15.03	18.24	17.51	17.60	12.15	7.66	4.28	2.87
35°N	4.51	7.00	10.45	14.18	17.56	20.58	19.72	19.54	14.74	9.94	6.00	4.24
30°N	6.03	9.10	13.07	16.81	20.25	23.07	22.03	21.48	17.48	12.35	7.86	5.76
25°N	8.86	12.36	16.41	19.68	22.04	22.89	21.58	21.17	18.59	14.74	10.39	8.38
20°N	11.77	15.73	19.91	22.69	23.88	22.68	21.10	20.72	19.57	17.14	12.91	11.01
15°N	14.02	17.69	20.55	21.94	21.88	19.98	19.14	19.27	18.72	17.51	14.81	13.06
10°N	16.07	19.41	20.93	21.04	19.83	17.38	17.26	17.81	17.65	17.47	16.35	14.87
5°N	17.89	19.98	20.28	19.82	18.20	16.31	16.42	17.37	18.68	18.38	17.09	16.49
Equator	19.58	20.35	19.50	18.60	16.65	15.23	15.58	16.93	19.73	19.28	17.73	18.03
5°S	19.41	20.20	19.64	19.81	17.95	16.49	17.39	19.53	22.03	21.63	20.12	19.16
10°S	19.07	20.03	19.76	20.67	18.58	16.95	18.39	21.54	24.12	24.05	22.67	20.16
15°S	23.08	23.28	22.11	19.86	15.96	14.10	15.46	18.73	22.52	24.21	24.43	23.55
20°S	25.26	24.18	21.92	17.36	12.73	10.81	11.94	15.38	19.95	24.03	26.40	25.74
25°S	25.63	23.95	20.30	14.64	9.97	7.91	8.76	11.77	16.29	20.70	24.36	25.80
30°S	25.96	23.59	18.60	11.97	7.32	5.25	5.85	8.45	12.87	17.56	22.39	25.85
35°S	22.99	20.31	15.45	9.42	5.53	3.99	4.38	6.46	10.23	14.48	19.13	22.54
40°S	20.18	17.23	12.51	7.06	3.90	2.80	3.05	4.66	7.82	11.66	16.13	19.45
45°S	17.42	14.15	9.57	5.00	2.62	1.79	2.00	3.29	5.90	9.57	13.77	16.92
50°S	15.74	12.14	7.43	3.18	1.30	0.75	0.90	1.87	4.15	7.68	12.20	15.53
55°S	14.16	10.46	6.08	2.49	1.00	0.57	0.67	1.46	3.40	6.68	10.87	13.99
60°S	12.57	8.78	4.74	1.80	0.69	0.38	0.45	1.04	2.64	5.68	9.53	12.45
65°S	10.98	7.09	3.39	1.11	0.38	0.19	0.22	0.62	1.89	4.68	8.20	10.92
70°S	9.40	5.41	2.05	0.42	0.08	0.00	0.00	0.21	1.14	3.68	6.86	9.38
75°S	6.00	3.00	1.00	0.20	0.10	0.00	0.00	0.10	1.00	2.50	4.00	5.00
80°S	3.00	1.50	0.50	0.10	0.10	0.00	0.00	0.00	0.50	1.50	1.50	2.00
85°S	1.00	0.50	0.10	0.10	0.10	0.00	0.00	0.00	0.10	1.00	1.00	2.00