

Statement of Principles
concerning

SOFT TISSUE SARCOMA

No. 13 of 2006

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. 13 of 2006.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 23 of 2001; 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 extraskeletal 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, mullerian adenosarcoma and malignant mixed mullerian tumours, but excludes mesothelioma, Kaposi's sarcoma, malignant neoplasm of the bone or 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, 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 thirty 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 thirty days, at least two years before the clinical onset of soft tissue sarcoma; or
 - (c) having received a cumulative equivalent dose of at least 0.05 Sievert of atomic radiation to the affected region where this dose

was accumulated at least two years before the clinical onset of soft tissue sarcoma; or

- (d) having received treatment with radium-224 at least two years before the clinical onset of soft tissue sarcoma; or
- (e) having received a course of therapeutic radiation to the affected region at least two years before the clinical onset of soft tissue sarcoma; or
- (f) having received a cumulative dose of at least 0.05 Sievert of ionising radiation to the affected site from internal deposition of a substance which emits alpha particles, at least two years before the clinical onset of soft tissue sarcoma; or
- (g) 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
- (h) being infected with Human Immunodeficiency Virus (HIV) before the clinical onset of soft tissue sarcoma; or
- (i) being treated with immunosuppressive drugs for a continuous period of at least five months before the clinical onset of soft tissue sarcoma; or
- (j) for angiosarcoma only, having received a course of therapeutic radiation to the affected region at least one year before the clinical onset of soft tissue sarcoma; or
- (k) for angiosarcoma only, having lymphoedema of the affected region at the time of the clinical onset of soft tissue sarcoma; or
- (l) for hepatic angiosarcoma only, being exposed to arsenic as specified at least five years before the clinical onset of soft tissue sarcoma; or
- (m) 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
- (n) for uterine sarcoma only, undergoing treatment with tamoxifen for a period of at least two months before the clinical onset of soft tissue sarcoma; or

- (o) having cutaneous scarring for at least three years before the clinical onset of soft tissue sarcoma at that site; or
- (p) inability to obtain appropriate clinical management for soft tissue sarcoma.

Factors that apply only to material contribution or aggravation

- 7. Paragraph 6(p) 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:

“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;

“angiosarcoma” means lymphangiosarcoma or haemangiosarcoma;

“atomic radiation” means ionising radiation excluding:

- (a) natural background radiation;
- (b) therapeutic radiation; and
- (c) radiation from diagnostic procedures;

“being exposed to arsenic as specified” means;

- (a) consuming arsenic containing compounds (e.g. Fowler's solution) for a cumulative period of at least ninety days; or
- (b) consuming drinking water with arsenic content higher than 0.05 ppm (50 µg/l) for a cumulative period of at least 365 days; or
- (c) being involved in the manufacture of pesticides containing arsenic for a cumulative period of at least 365 days; or
- (d) handling pesticides containing arsenic for a cumulative period of at least 365 days; or

(e) having clinical evidence of excessive arsenic exposure;

“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 equivalent dose of radiation from all types of ionising radiation. 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 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), Fourth Edition, effective date of 1 July 2004, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 594 1;

“immunosuppressive drugs” means drugs or agents administered orally, rectally, intravenously, intramuscularly or subcutaneously for the purpose of suppressing the immune response, but does not include inhaled or topical steroids;

“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

- 2,4,5-trichlorophenoxyacetic acid;
- 2,4,5-trichlorophenoxypropionic acid;
- 2,4,5-trichlorophenol;
- 2-(2,4,5-trichlorophenoxy)-ethyl 2,2-dichloropropionate;
- *o,o*-dimethyl-*o*-(2,4,5-trichlorophenyl)-phosphorothioate;
- pentachlorophenol;
- 2,3,4,6-tetrachlorophenol;
- 2,4,6-trichlorophenol;
- 1,3,4-trichloro-2-(4-nitrophenoxy)benzene;
- 2,4-dichloro-1-(4-nitrophenoxy)benzene; or
- 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) warlike service under the MRCA; or
- (e) 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 10 May 2006.

Dated this *twenty-sixth* day of *April* 2006

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

KEN DONALD
CHAIRPERSON