



# **Statement of Principles concerning sarcoidosis (Balance of Probabilities) (No. 60 of 2016)**

made under subsection 196B(3) of the

*Veterans' Entitlements Act 1986*

## **Compilation No. 1**

**Compilation date:** 28 January 2019

**Includes amendments up to:** Amendment Statement of Principles concerning sarcoidosis (Balance of Probabilities) (No. 14 of 2019) (F2019L00004)

The day of commencement of this Amendment Statement of Principles concerning sarcoidosis is 28 January 2019.

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 sarcoidosis (Balance of Probabilities) (No. 60 of 2016)* that shows the text of the law as amended and in force on 28 January 2019.

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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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**  
**SARCOIDOSIS**  
**(Balance of Probabilities)**  
**(No. 60 of 2016)**

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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 24 June 2016

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*Statement of Principles concerning*  
*Sarcoidosis (Balance of Probabilities) (No. 60 of 2016)*  
*Veterans' Entitlements Act 1986*

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**1 Name**

This is the Statement of Principles concerning *sarcoidosis (Balance of Probabilities)* (No. 60 of 2016).

**2 Commencement**

This instrument commences on 25 July 2016.

**3 Authority**

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

**4 Revocation**

The Statement of Principles concerning sarcoidosis No. 116 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 sarcoidosis and death from sarcoidosis.

*Meaning of sarcoidosis*

- (2) For the purposes of this Statement of Principles, sarcoidosis means a chronic, multisystem disorder characterised in affected organs by an accumulation of T lymphocytes and mononuclear phagocytes, non-caseating epithelioid granulomas, and derangement of the normal tissue architecture.
- (3) While sarcoidosis attracts ICD-10-AM code D86, in applying this Statement of Principles the meaning of sarcoidosis 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*

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*Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification (ICD-10-AM), Ninth Edition, effective date of 1 July 2015, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-020-5.*

### *Death from sarcoidosis*

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

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 sarcoidosis and death from sarcoidosis 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, sarcoidosis or death from sarcoidosis is connected with the circumstances of a person's relevant service:

- (1) being treated with a drug from a class of drugs from the specified list of drugs within the five years before the clinical onset of sarcoidosis;

Note: *specified list of drugs* is defined in the Schedule 1 - Dictionary.

- (2) having received an organ or tissue transplant from a donor with sarcoidosis within the two years before the clinical onset of sarcoidosis;

- (3) being treated with a drug from a class of drugs from the specified list of drugs within the five years before the clinical worsening of sarcoidosis;

Note: *specified list of drugs* is defined in the Schedule 1 - Dictionary.

- (4) inability to obtain appropriate clinical management for sarcoidosis.

## **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 factors set out in subsections 9(3) and 9(4) apply only to material contribution to, or aggravation of, sarcoidosis where the person's

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sarcoidosis 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:

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

**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.

**sarcoidosis**—see subsection 7(2).

**specified list of drugs** means:

- (a) BRAF/MEK inhibitors, including vemurafenib, dabrafenib and trametinib;
- (b) immune checkpoint inhibitors, including ipilimumab, pembrolizumab and nivolumab; or
- (c) interferons.

**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.

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



## 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)<br>/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 |

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**Endnote 3—Legislation history**

| <b>Name</b>   | <b>Registration</b>           | <b>Commencement</b> | <b>Application, saving and transitional provisions</b> |
|---|-------------------------------|---------------------|--|
| <i>Statement of Principles concerning sarcoidosis (Balance of Probabilities) (No. 60 of 2016)</i>           | 4 July 2016<br>F2016L01143    | 25 July 2016        |  |
| <i>Amendment Statement of Principles concerning sarcoidosis (Balance of Probabilities) (No. 14 of 2019)</i> | 2 January 2019<br>F2019L00004 | 28 January 2018     |  |

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**Endnote 4—Amendment history**

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| <b>Provision affected</b>                                   | <b>How affected</b> |
|---|---------------------|
| Subsection 9(1).....  | rs. No. 14 of 2019  |
| Subsection 9(3).....  | rs. No. 14 of 2019  |
| Schedule 1 – Dictionary<br>– <i>specified list of drugs</i> | ad. No 14 of 2019   |

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