

Revocation and Determination

of

Statement of Principles concerning

MALIGNANT NEOPLASM OF THE ORAL CAVITY OR HYPOPHARYNX

ICD CODES: 140.3, 140.4, 140.5, 141, 143, 144, 145, 146, 148

Veterans' Entitlements Act 1986

1. The Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the Act):
 - (a) revokes Instrument No.339 of 1995, and Instrument No.387 of 1995; and
 - (b) determines the following Statement of Principles.

Kind of injury, disease or death

2. (a) This Statement of Principles is about **malignant neoplasm of the oral cavity or hypopharynx** and **death from malignant neoplasm of the oral cavity or hypopharynx**.
 - (b) For the purposes of this Statement of Principles, “**malignant neoplasm of the oral cavity or hypopharynx**” means a primary malignancy of the mucosa of the oral cavity, oropharynx, or hypopharynx which is the region that extends posteriorly from the lips (excluding the vermilion border and the skin of the lips) to the upper border of the larynx and oesophagus, and which includes the gums, the floor of the mouth, the buccal mucosa, the alveolar ridge, the hard and soft palate, and the tongue, but excluding malignant neoplasm of the minor salivary glands, attracting ICD code 140.3, 140.4, 140.5, 141, 143, 144, 145, 146 or 148.

Basis for determining the factors

3. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **malignant neoplasm of the oral cavity or hypopharynx** can be related to relevant service rendered by veterans or members of the Forces.

Factors that must be related to service

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

Factors

5. The factors that must exist before it can be said that, on the balance of probabilities, **malignant neoplasm of the oral cavity or hypopharynx** or **death from malignant neoplasm of the oral cavity or hypopharynx** is connected with the circumstances of a person's relevant service are:

- “(a) smoking ten or more cigarettes per day or the equivalent thereof in other tobacco products, for at least ten years, before the clinical onset of malignant neoplasm of the oral cavity or hypopharynx and, where smoking has ceased, the clinical onset has occurred within ten years of cessation; or
- (b) for malignant neoplasm of the oral cavity only, the regular oral use of smokeless tobacco and similar products for at least ten years before the clinical onset of malignant neoplasm of the oral cavity and, where oral use of these products has ceased, the clinical onset has occurred within ten years of cessation; or
- (c) drinking at least 500 kilograms of alcohol (contained within alcoholic drinks) before the clinical onset of malignant neoplasm of the oral cavity or hypopharynx; or
- (d) inability to obtain appropriate clinical management for malignant neoplasm of the oral cavity or hypopharynx.

Factors that apply only to material contribution or aggravation

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

Other definitions

7. For the purposes of this Statement of Principles:

“alcohol (contained within alcoholic drinks)” is measured by the alcohol consumption calculations utilising the Australian Standard of 10 grams of alcohol per standard alcoholic drink;

“ICD code” means a number assigned to a particular kind of injury or disease in the Australian Version of The International Classification of Diseases, 9th revision, Clinical Modification (ICD-9-CM), effective date of 1 July 1996, copyrighted by the National Coding Centre, Faculty of Health Sciences, University of Sydney, NSW, and having ISBN 0 642 24447 2;

“relevant service” means:

- (a) eligible war service (other than operational service); or
- (b) defence service (other than hazardous service);

“smokeless tobacco and similar products” means chewing tobacco, snuff, betel nut, other tobacco chews and powders including khaini, pan or nass.

Application

8. This Instrument applies to all matters to which section 120B of the Act applies.

Dated this *Sixteenth* day of *August* 1996

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

KEN DONALD
CHAIRMAN