

Revocation and Determination
of
Statement of Principles
concerning
MALIGNANT NEOPLASM OF THE
NASOPHARYNX

ICD CODE: 147

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.319 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 nasopharynx** and **death from malignant neoplasm of the nasopharynx**.

(b) For the purposes of this Statement of Principles, "**malignant neoplasm of the nasopharynx**" means a primary malignant tumour arising from the tissues of that part of the pharynx which lies above the level of the soft palate, attracting ICD code 147.

Note: This definition specifically excludes soft tissue sarcoma, non-Hodgkin's lymphoma and Hodgkin's disease.

Note to user (this note does not form part of the legal wording of the instrument):

In the event that a disease referred to in the note above (which is excluded from coverage by this Statement of Principles) is claimed, reference should be made to the

relevant Statement of Principles (or Statements of Principles) which cover or refer to that disease (if any).

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 nasopharynx and death from malignant neoplasm of the nasopharynx** 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 nasopharynx** or **death from malignant neoplasm of the nasopharynx** is connected with the circumstances of a person's relevant service are:

- (a) for nasopharyngeal carcinoma only:
 - (i) being heavily occupationally exposed to wood dust for a period or periods of time totalling at least 20 years before the clinical onset of malignant neoplasm of the nasopharynx; or
 - (ii) being infected with the Epstein-Barr virus before the clinical onset of malignant neoplasm of the nasopharynx; or
 - (iii) smoking at least 20 pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of malignant neoplasm of the nasopharynx, and, where smoking has ceased, the clinical onset has occurred within ten years of cessation; or
 - (iv) being exposed to mustard gas before the clinical onset of malignant neoplasm of the nasopharynx; or
- (b) inability to obtain appropriate clinical management for malignant neoplasm of the nasopharynx.

Factors that apply only to material contribution or aggravation

6. Paragraph 5(b) applies only to material contribution to, or aggravation of, malignant neoplasm of the nasopharynx where the person's malignant neoplasm of the nasopharynx 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:

“being infected with the Epstein-Barr virus” means having clinical or laboratory evidence of infection with Epstein-Barr virus, which is a B lymphotropic human herpes virus, attracting ICD code 075;

“being exposed to mustard gas” means having inhaled sulphur mustard or Lewisite vapours, resulting in the development of symptoms of rhinitis, laryngitis, tracheitis, and bronchitis within the 48 hours immediately after exposure;

“being heavily occupationally exposed to wood dust” means being regularly exposed to fine particulate material of wood origin in occupations entailing the sanding, machining, sawing or manufacturing of timber products;

“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;

“nasopharyngeal carcinoma” means a primary epithelial tumour of squamous origin arising in the nasopharynx, and which is classified as squamous cell carcinoma, nonkeratinizing carcinoma or undifferentiated carcinoma;

“pack-year” means 7 300 cigarettes, or 1 460 cigars, or 7.3kg of pipe tobacco;

“relevant service” means:

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

Application

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

Dated this *Ninth* day of *December* 1996

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

KEN DONALD
CHAIRMAN