1. The Repatriation Medical Authority (the Authority), under subsection 196B(8) of the Veterans’ Entitlements Act 1986 (the VEA), revokes Instrument No. 168 of 1996, determined under subsection 196B(3) of the VEA concerning malignant neoplasm of the nasopharynx.

2. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that malignant neoplasm of the nasopharynx and death from malignant neoplasm of the nasopharynx can be related to particular kinds of service. The Authority has therefore determined pursuant to subsection 196B(3) of the VEA a Statement of Principles, Instrument No. 26 of 2011 concerning malignant neoplasm of the nasopharynx. This Instrument will in effect replace the revoked Statement of Principles.

3. The provisions of the Military Rehabilitation and Compensation Act 2004 (the MRCA) relating to claims for compensation commenced on 1 July 2004. Claims under section 319 of the MRCA for acceptance of liability for a service injury sustained, a service disease contracted or service death on or after 1 July 2004 are determined by the Military Rehabilitation and Compensation Commission by reference to Statements of Principles issued by the Authority pursuant to the VEA.

4. The Statement of Principles sets out the factors that must exist, and which of those factors must be related to the following kinds of service rendered by a person:

- eligible war service (other than operational service) under the VEA;
- defence service (other than hazardous service) under the VEA;
- peacetime service under the MRCA,

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 that service.

5. This Instrument results from an investigation notified by the Authority in the Government Notices Gazette of 25 June 2008 concerning malignant neoplasm of
the nasopharynx in accordance with section 196G of the VEA. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority, including the sound medical-scientific evidence it has previously considered.

6. The contents of this Instrument are in similar terms as the revoked Instrument. Comparing this Instrument and the revoked Instrument, the differences include:

- adopting the latest revised Instrument format, which commenced in 2005;
- deleting the ICD code from the Instrument header;
- revising the definition of 'malignant neoplasm of the nasopharynx' in clause 3;
- revising factor 6(a) concerning 'inhaling wood dust';
- revising factor 6(b) concerning 'being infected with Epstein-Barr virus';
- new factor 6(c) concerning 'being infected with human immunodeficiency virus';
- revising factor 6(d) concerning 'smoking cigarettes';
- revising factor 6(e) concerning 'exposure to mustard gas';
- new factor 6(f) concerning 'inhaling formaldehyde';
- new factor 6(g) concerning 'working in an environment where inhalational exposure to formaldehyde occurs';
- new factor 6(h) concerning 'consumption of Chinese-style salted fish';
- revising factor 6(i) concerning 'inability to obtain appropriate clinical management';
- new definitions of 'Chinese-style salted fish', 'death from malignant neoplasm of the nasopharynx', 'ICD-10-AM code', 'inhaling wood dust', 'pack-years of cigarettes, or the equivalent thereof in other tobacco products' and 'terminal event' in clause 9;
- revising definition of 'relevant service' in clause 9;
- deleting definitions of 'being infected with the Epstein-Barr virus', 'being exposed to mustard gas', 'being heavily occupationally exposed to wood dust', 'ICD code', 'nasopharyngeal carcinoma' and 'pack-year'; and
- specifying a date of effect for the Instrument in clause 11.

7. Further changes to the format of the Instrument reflect the commencement of the MRCA and clarify that pursuant to subsection 196B(3A) of the VEA, the Statement of Principles has been determined for the purposes of both the VEA and the MRCA.

8. Prior to determining this Instrument, the Authority advertised its intention to undertake an investigation in relation to malignant neoplasm of the nasopharynx in the Government Notices Gazette of 25 June 2008, and circulated a copy of the notice of intention to investigate to a wide range of organisations representing veterans, service personnel and their dependants. The Authority invited submissions from the Repatriation Commission, organisations and persons referred to in section 196E of the VEA, and any person having expertise in the field. No submissions were received for consideration by the Authority during the investigation.

10. A list of references relating to the above condition is available to any person or organisation referred to in subsection 196E(1)(a) to (c) of the VEA. Any such request must be made in writing to the Repatriation Medical Authority at the following address:

   The Registrar
   Repatriation Medical Authority Secretariat
   GPO Box 1014
   BRISBANE    QLD    4001