Statement of Principles concerning gingivitis No. 46 of 2013

made under subsection 196B(3) of the

Veterans' Entitlements Act 1986

Compilation No. 1

Compilation date: 24 September 2018
Includes amendments up to: Veterans' Entitlements (Statements of Principles—Category 1B Stressor) Amendment Determination 2018 (No. 87 of 2018) (F2018L01188)

The day of commencement of this Amendment Determination is 24 September 2018.

Prepared by the Repatriation Medical Authority Secretariat, Brisbane
About this compilation

This compilation

This is a compilation of the Statement of Principles concerning gingivitis No. 46 of 2013 that shows the text of the law as amended and in force 24 September 2018.

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). 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.
Statement of Principles concerning GINGIVITIS

No. 46 of 2013

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 gingivitis No. 46 of 2013.

Determination

2. The Repatriation Medical Authority under subsection 196B(3) and (8) of the Veterans’ Entitlements Act 1986 (the VEA):

(a) revokes Instrument No. 4 of 2002 concerning gingivitis; and

(b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3. (a) This Statement of Principles is about gingivitis and death from gingivitis.

(b) For the purposes of this Statement of Principles, "gingivitis" means an acute or chronic inflammation of the gums, limited to the mucosal epithelial tissue surrounding the cervical portion of the teeth and the
alveolar processes. This definition includes gingival abscess, peri-implant mucositis, linear gingival erythema, plasma cell gingivitis, desquamative gingivitis and acute necrotising ulcerative gingivitis. This definition excludes oral aphthae, gingival recession, gingival hyperplasia and overgrowth, primary herpetic gingivostomatitis, and destructive gingival inflammation extending beyond the gums into the underlying supporting structures of the teeth.

(c) Gingivitis attracts ICD-10-AM code A69.1, K05.0 or K05.1.
(d) In the application of this Statement of Principles, the definition of "gingivitis" is that given at paragraph 3(b) above.

**Basis for determining the factors**

4. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that gingivitis and death from gingivitis can be related to relevant service rendered by veterans 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 exist before it can be said that, on the balance of probabilities, gingivitis or death from gingivitis is connected with the circumstances of a person’s relevant service is:

(a) being prevented from cleaning the teeth, including toothbrushing and interdental cleansing, for a continuous period of at least 14 days, within the two months before the clinical onset of gingivitis; or

(b) having diabetes mellitus at the time of the clinical onset of gingivitis; or

(c) having a foreign body embedded in the affected region of the gums at the time of the clinical onset of gingivitis; or

(d) having an oral piercing adjacent to the affected region of the gums for a continuous period of at least the six months before the clinical onset of gingivitis; or

(e) having trauma to the affected region of the gums within the two weeks before the clinical onset of gingivitis; or

(f) being pregnant at the time of the clinical onset of gingivitis; or
(g) being infected with human immunodeficiency virus at the time of the clinical onset of gingivitis; or

(h) having neutropaenia, agranulocytosis or leukaemia at the time of the clinical onset of gingivitis; or

(i) using the combined oral contraceptive pill or a progesterone oral contraceptive pill, for a continuous period of at least the four weeks before the clinical onset of gingivitis; or

(j) having chronic renal disease requiring renal transplantation or dialysis at the time of the clinical onset of gingivitis; or

(k) having an autoimmune and mucocutaneous disease from the specified list at the time of the clinical onset of gingivitis; or

(l) having direct exposure of the affected area to an irritant substance within the three days before the clinical onset of gingivitis; or

(m) for acute necrotising ulcerative gingivitis only,
   (i) smoking at least five pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of gingivitis, and where smoking has ceased, the clinical onset of gingivitis has occurred within one month of cessation; or
   (ii) having a nutritional deficiency at the time of the clinical onset of gingivitis; or

(n) experiencing a category 1A stressor or a category 1B stressor within the seven days before the clinical onset of gingivitis; or

(o) being prevented from cleaning the teeth, including toothbrushing and interdental cleansing, for a continuous period of at least 14 days, within the two months before the clinical worsening of gingivitis; or

(p) having diabetes mellitus at the time of the clinical worsening of gingivitis; or

(q) having a foreign body embedded in the affected region of the gums at the time of the clinical worsening of gingivitis; or

(r) having an oral piercing adjacent to the affected region of the gums for a continuous period of at least the six months before the clinical worsening of gingivitis; or

(s) having trauma to the affected region of the gums within the two weeks before the clinical worsening of gingivitis; or

(t) being pregnant at the time of the clinical worsening of gingivitis; or
(u) being infected with human immunodeficiency virus at the time of the clinical worsening of gingivitis; or

(v) having neutropaenia, agranulocytosis or leukaemia at the time of the clinical worsening of gingivitis; or

(w) using the combined oral contraceptive pill or a progesterone oral contraceptive pill, for a continuous period of at least the four weeks before the clinical worsening of gingivitis; or

(x) having chronic renal disease requiring renal transplantation or dialysis at the time of the clinical worsening of gingivitis; or

(y) having an autoimmune and mucocutaneous disease from the specified list at the time of the clinical worsening of gingivitis; or

(z) having direct exposure of the affected area to an irritant substance within the three days before the clinical worsening of gingivitis; or

(aa) for acute necrotising ulcerative gingivitis only,

(i) smoking at least five pack-years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical worsening of gingivitis, and where smoking has ceased, the clinical worsening of gingivitis has occurred within one month of cessation; or

(ii) having a nutritional deficiency at the time of the clinical worsening of gingivitis; or

(bb) experiencing a category 1A stressor or a category 1B stressor within the seven days before the clinical worsening of gingivitis; or

(cc) inability to obtain appropriate clinical management for gingivitis.

Factors that apply only to material contribution or aggravation

7. Paragraphs 6(o) to 6(cc) apply only to material contribution to, or aggravation of, gingivitis where the person’s gingivitis 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 category 1A stressor" means one or more of the following severe traumatic events:
(a) experiencing a life-threatening event;
(b) being subject to a serious physical attack or assault including rape and sexual molestation; or
(c) being threatened with a weapon, being held captive, being kidnapped, or being tortured;

"a category 1B stressor" means one of the following severe traumatic events:
(a) killing or maiming a person;
(b) being an eyewitness to a person being killed or critically injured;
(c) being an eyewitness to atrocities inflicted on another person;
(d) participating in the clearance of a corpse or a critically injured casualty; or
(e) viewing a corpse or a critically injured casualty as an eyewitness;

"a corpse" means the human remains or body parts of one or more persons who have met a violent or horrific death;

Note: Examples of a violent or horrific death may include death due to suicide, gunshot, improvised explosive devices, natural and technological disasters, terrorist attacks or motor vehicle accidents. Seeing a closed body bag or viewing a body in an open-casket coffin are excluded from this definition

"a foreign body" means:
(a) a fixed orthodontic appliance;
(b) an osseointegrated implant or dental prosthesis, including single crowns, fixed partial dentures, all-ceramic crowns, resin-bonded prostheses or posts and cores;
(c) microscopic materials derived from dental procedures; or
(d) shrapnel or other exogenous macroscopic material;

"a nutritional deficiency" means:
(a) scurvy; or
(b) clinical or biochemical evidence of a severe protein energy malnutrition due to:
(i) inadequate intake of protein or energy; or
(ii) systemic disease that impairs intake or utilisation of nutrients or that increases nutrient requirements or metabolic losses;
"an autoimmune and mucocutaneous disease from the specified list" means:

(a) bullous pemphigoid;
(b) chronic ulcerative stomatitis;
(c) dermatomyositis;
(d) epidermolysis bullosa acquisita;
(e) erythema multiforme;
(f) graft versus host disease;
(g) linear IgA disease;
(h) mixed connective tissue disease;
(i) mucous membrane pemphigoid;
(j) oral lichen planus;
(k) oral lichenoid lesions;
(l) pemphigus vulgaris;
(m) psoriasis;
(n) Sjogren's syndrome; or
(o) systemic lupus erythematosus;

"an eyewitness" means a person who experiences an incident first hand and can give direct evidence of it. This excludes persons exposed only to public broadcasting or mass media coverage of the incident;

"an irritant substance" means a chemical agent which causes an inflammatory effect on living tissue at the site of contact. This includes reactions attributable to toothpaste or dentrifices, mouthwashes, chewing gum additives or foods, or dental restoration materials;

"an oral piercing" means permanent insertion of an ornament into an opening made in the skin or mucosa of the tongue, lips or cheek;

"acute necrotising ulcerative gingivitis" means a painful and rapidly progressive inflammation of the gums characterised by gingival bleeding with interdental soft tissue necrosis and ulceration, and is also known as Vincent’s disease and trenchmouth;

"combined oral contraceptive pill" means an oral contraceptive compound containing both oestrogen and progestogen;

"death from gingivitis" in relation to a person includes death from a terminal event or condition that was contributed to by the person’s gingivitis;

"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), Eighth Edition, effective date of 1 July 2013, copyrighted by the Independent Hospital Pricing Authority, and having ISBN 978-1-74128-213-9;
"pack-years of cigarettes, or the equivalent thereof in other tobacco products" means a calculation of consumption where one pack-year of cigarettes equals 20 tailor-made cigarettes per day for a period of one calendar year, or 7300 cigarettes. One tailor-made cigarette approximates one gram of tobacco or one gram of cigar or pipe tobacco by weight. One pack-year of tailor-made cigarettes equates to 7.3 kilograms of smoking tobacco by weight. Tobacco products means either cigarettes, pipe tobacco or cigars, smoked alone or in any combination;

"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;

"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;

"trauma to the affected region of the gums" means physical injury to the gingival tissues by mechanisms including thermal, electrical and chemical burns, abrasion, and blunt or penetrating trauma.

Application

10. This Instrument applies to all matters to which section 120B of the VEA or section 339 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 3 July 2013.
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
am = amended
amdt = amendment
c = clause(s)
C[x] = Compilation No. x
Ch = Chapter(s)
def = definition(s)
Dict = Dictionary
disallowed = disallowed by Parliament
Div = Division(s)
exp = expires/expired or ceases/ceased to have effect
F = Federal Register of Legislation
gaz = gazette
LA = Legislation Act 2003
LIA = Legislative Instruments Act 2003
(md) = misdescribed amendment can be given effect
(md not incorp) = misdescribed amendment cannot be given effect
mod = modified/modification
No. = Number(s)

o = order(s)
Ord = Ordinance
orig = original
par = paragraph(s)/subparagraph(s)
/pre-subparagraph(s)
pres = present
(prev…) = previously
Pt = Part(s)
rep = repealed
rs = repealed and substituted
s = section(s)/subsection(s)
Sch = Schedule(s)
Sdiv = Subdivision(s)
SLI = Select Legislative Instrument
SR = Statutory Rules
Sub-Ch = Sub-Chapter(s)
SubPt = Subpart(s)
underlining = whole or part not commenced or to be commenced
## Endnote 3—Legislation history

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Endnote 4—Amendment history

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