



Statement of Principles concerning loss of teeth (Balance of Probabilities) (No. 125 of 2015)

made under subsection 196B(3) of the

Veterans' Entitlements Act 1986

Compilation No. 1

Compilation date: 24 September 2018

Includes amendments up to: Amendment Statement of Principles concerning loss of teeth (Balance of Probabilities) (No. 84 of 2018) (F2018L01176)

The day of commencement of this Amendment Statement of Principles concerning loss of teeth 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 loss of teeth (Balance of Probabilities) (No. 125 of 2015)* that shows the text of the law as amended and in force on 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
LOSS OF TEETH
(Balance of Probabilities)
(No. 125 of 2015)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(3) of the *Veterans' Entitlements Act 1986*.

Dated 16 October 2015

Statement of Principles concerning
Loss Of Teeth (Balance of Probabilities) (No. 125 of 2015)
Veterans' Entitlements Act 1986

1

Contents

1	Name	3
2	Commencement	3
3	Authority	3
4	Revocation	3
5	Application.....	3
6	Definitions.....	3
7	Kind of injury, disease or death to which this Statement of Principles relates	3
8	Basis for determining the factors	4
9	Factors that must exist.....	4
10	Relationship to service	5
11	Factors referring to an injury or disease covered by another Statement of Principles.....	5
Schedule 1 - Dictionary		6
1	Definitions.....	6

1 Name

This is the Statement of Principles concerning *loss of teeth (Balance of Probabilities)* (No. 125 of 2015).

2 Commencement

This instrument commences on 16 November 2015.

3 Authority

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

4 Revocation

The Statement of Principles concerning loss of teeth No. 74 of 2007, as amended, made under subsections 196B(3) and (8) 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 loss of teeth and death from loss of teeth.

Meaning of loss of teeth

- (2) For the purposes of this Statement of Principles, loss of teeth means:
- (a) the permanent loss of one or more teeth of the secondary dentition, with or without retained dental root; and
 - (b) includes tooth loss due to surgical extraction.
- (3) While loss of teeth attracts ICD-10-AM code K08.1 or K08.3, in applying this Statement of Principles the meaning of loss of teeth 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 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 loss of teeth

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

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

- (1) having dental caries in the affected tooth at the time of the clinical onset of loss of teeth;
- (2) having periodontitis in the periodontium supporting the affected tooth, at the time of the clinical onset of loss of teeth;
- (3) having periodontal abscess of the affected tooth at the time of the clinical onset of loss of teeth;
- (4) having dental pulp and apical disease of the affected tooth at the time of the clinical onset of loss of teeth;
- (5) having a fracture of the affected tooth or luxation of the affected tooth before the clinical onset of loss of teeth;

Note: *fracture of the affected tooth* is defined in the Schedule 1 – Dictionary.

- (6) having a fracture of the alveolar bone supporting the affected tooth or disruption of the alveolar bone supporting the affected tooth, before the clinical onset of loss of teeth;

Note: *disruption of the alveolar bone* is defined in the Schedule 1 – Dictionary.

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- (7) receiving direct physical trauma to the affected tooth resulting in avulsion of the tooth at the time of the clinical onset of loss of teeth;

Note: *avulsion* is defined in the Schedule 1 – Dictionary.

- (8) having avulsion and subsequent replantation of the affected tooth before the clinical onset of loss of teeth;

Note: *avulsion* is defined in the Schedule 1 – Dictionary.

- (9) having pericoronitis of the affected tooth at the time of the clinical onset of loss of teeth;

Note: *pericoronitis* is defined in the Schedule 1 – Dictionary.

- (9a) having tooth wear involving the affected tooth at the time of the clinical onset of loss of teeth;

- (10) inability to obtain appropriate clinical management for loss of teeth.

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 factor set out in subsection 9(10) applies only to material contribution to, or aggravation of, loss of teeth where the person's loss of teeth 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:

avulsion means the total displacement of the tooth out of its alveolar socket.

disruption of the alveolar bone means any interruption or distortion of the alveolar bone caused by an injury or disease process affecting the alveolar bone, including infiltration by primary or secondary malignancy, Paget's disease of bone, osteonecrosis or tuberculosis.

fracture of the affected tooth means fracture of the crown, involving the dentine, or the root of the affected tooth.

loss of teeth—see subsection 7(2).

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

pericoronitis means inflammation of the gingiva surrounding a partially erupted tooth, especially the third molar or wisdom tooth, and is related to the accumulation of food particles and micro-organisms under the gum flap.

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 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) /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

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
<i>Statement of Principles concerning loss of teeth (Balance of Probabilities) (No. 125 of 2015)</i>	21 October 2015 F2015L01679	16 November 2015	
<i>Amendment Statement of Principles concerning loss of teeth (Balance of Probabilities) (No. 84 of 2018)</i>	27 August 2018 F2018L01176	24 September 2018	

Endnote 4—Amendment history

Provision affected	How affected
Section 9(9a).....	ad. No. 84 of 2018
