

Statement of Principles
concerning

MALIGNANT NEOPLASM OF THE LARYNX

No. 1 of 2006

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 malignant neoplasm of the larynx No. 1 of 2006.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 27 of 1995, as amended by Instrument No. 155 of 1995, Instrument No. 151 of 1996 and Instrument No. 193 of 1996; and
 - (b) determines in their place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **malignant neoplasm of the larynx** and **death from malignant neoplasm of the larynx**.
 - (b) For the purposes of this Statement of Principles, “**malignant neoplasm of the larynx**” means a primary malignancy arising from the mucosa of the larynx, which extends from the lower border of the hypopharynx to the upper border of the trachea. This definition excludes soft tissue sarcoma, carcinoid tumour, non-Hodgkin's lymphoma and Hodgkin's lymphoma.
 - (c) Malignant neoplasm of the larynx attracts ICD-10-AM code C32.

- (d) In the application of this Statement of Principles, the definition of **“malignant neoplasm of the larynx”** is that given at paragraph 3(b) above.

Basis for determining the factors

4. The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that **malignant neoplasm of the larynx** and **death from malignant neoplasm of the larynx** can be related to relevant service rendered by veterans, members of Peacekeeping Forces, 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 as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting **malignant neoplasm of the larynx** or **death from malignant neoplasm of the larynx** with the circumstances of a person’s relevant service is:
- (a) smoking at least 2.5 pack years of cigarettes, or the equivalent thereof in other tobacco products, before the clinical onset of malignant neoplasm of the larynx, where smoking commenced at least five years before the clinical onset of malignant neoplasm of the larynx; or
 - (b) being in an atmosphere with a visible tobacco smoke haze in an enclosed space for at least 5000 hours before the clinical onset of malignant neoplasm of the larynx, where the first exposure to a visible tobacco smoke haze commenced at least five years before the clinical onset of malignant neoplasm of the larynx; or
 - (c) being exposed to mustard gas at least five years before the clinical onset of malignant neoplasm of the larynx; or
 - (d) inhaling respirable asbestos fibres in an enclosed space for a cumulative period of at least 1000 hours before the clinical onset of malignant neoplasm of the larynx:
 - (i) at the time material containing asbestos fibres was being applied, removed, dislodged, cut or drilled; and

- (ii) the first inhalation of asbestos commenced at least five years before the clinical onset of malignant neoplasm of the larynx; or
- (e) inhaling smoke from the combustion of biomass or fossil fuels whilst in an enclosed space for at least 5000 hours before the clinical onset of malignant neoplasm of the larynx, where inhaling such smoke commenced at least five years before the clinical onset of malignant neoplasm of the larynx; or
- (f) drinking at least 250 kilograms of alcohol before the clinical onset of malignant neoplasm of the larynx, where drinking alcohol commenced at least five years before the clinical onset of malignant neoplasm of the larynx; or
- (g) being:
 - (i) on land in Vietnam, or
 - (ii) at sea in Vietnamese waters, or
 - (iii) on board a vessel and consuming potable water supplied on that vessel, when the water supply had been produced by evaporative distillation of estuarine Vietnamese waters, for a cumulative period of at least thirty days, at least five years before the clinical onset of malignant neoplasm of the larynx; or
- (h) inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD) for a cumulative period of at least thirty days, at least five years before the clinical onset of malignant neoplasm of the larynx; or
- (i) inability to obtain appropriate clinical management for malignant neoplasm of the larynx.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(i) applies only to material contribution to, or aggravation of, malignant neoplasm of the larynx where the person's malignant neoplasm of the larynx 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:

“alcohol” is measured by the alcohol consumption calculations utilising the Australian Standard of ten grams of alcohol per standard alcoholic drink;

“an enclosed space” means a substantially enclosed area, for example the interior of a building, ship or aircraft, a covered workshop or factory;

“being:

(i) **on land in Vietnam, or**

(ii) **at sea in Vietnamese waters,”** means service in at least one of the areas and at the times described in Items 4 and 8 of Schedule 2 of the VEA;

“death from malignant neoplasm of the larynx” in relation to a person includes death from a terminal event or condition that was contributed to by the person’s malignant neoplasm of the larynx;

“estuarine Vietnamese waters” means at least one of the waterways or harbours in the relevant areas described in Items 4 and 8 of Schedule 2 of the VEA;

“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), Fourth Edition, effective date of 1 July 2004, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 1 86487 594 1;

“inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD)” means:

- (a) decanting or spraying;
 - (b) cleaning or maintaining equipment used to apply;
 - (c) being sprayed with;
 - (d) handling or sawing timber treated with;
 - (e) being in an environment shrouded in dust from timber treated with;
- or

(f) using cutting oils contaminated with;

one of the following chemicals:

- 2,4,5-trichlorophenoxyacetic acid;
- 2,4,5-trichlorophenoxypropionic acid;
- 2,4,5-trichlorophenol;
- 2-(2,4,5-trichlorophenoxy)-ethyl 2,2-dichloropropionate;
- *o,o*-dimethyl-*o*-(2,4,5-trichlorophenyl)-phosphorothioate;
- pentachlorophenol;
- 2,3,4,6-tetrachlorophenol;
- 2,4,6-trichlorophenol;
- 1,3,4-trichloro-2-(4-nitrophenoxy)benzene;
- 2,4-dichloro-1-(4-nitrophenoxy)benzene; or
- 2,4-dichloro-1-(3-methoxy-4-nitrophenoxy)-benzene;

“pack years of cigarettes, or the equivalent thereof in other tobacco products” means a calculation of consumption where one pack year of cigarettes equals twenty tailor made cigarettes per day for a period of one calendar year, or 7 300 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 7 300 cigarettes, or 7.3kg of smoking tobacco by weight. Tobacco products means either cigarettes, pipe tobacco or cigars smoked, alone or in any combination;

“relevant service” means:

- (a) operational service under the VEA;
- (b) peacekeeping service under the VEA;
- (c) hazardous service under the VEA;
- (d) warlike service under the MRCA; or
- (e) non-warlike service under the MRCA;

“respirable asbestos fibres” means asbestos fibres less than five micrometres in diameter;

“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.

Application

10. This Instrument applies to all matters to which section 120A of the VEA or section 338 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 8 March 2006.

Dated this *twenty-third* day of *February*
2006

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

KEN DONALD
CHAIRPERSON