



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning

MALIGNANT NEOPLASM OF THE LARYNX

No. 61 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 malignant neoplasm of the larynx No. 61 of 2013.

Determination

2. The Repatriation Medical Authority under subsection **196B(2)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 1 of 2006 concerning malignant neoplasm of the larynx; and
 - (b) determines in its 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. Anatomically, the larynx is defined as extending 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 **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, and
 - (i) smoking commenced at least five years before the clinical onset of malignant neoplasm of the larynx; and
 - (ii) where smoking has ceased, the clinical onset of malignant neoplasm of the larynx has occurred within 20 years of cessation; or
 - (b) being in an atmosphere with a visible tobacco smoke haze in an enclosed space:
 - (i) for at least 5 000 hours before the clinical onset of malignant neoplasm of the larynx; and
 - (ii) where the first exposure to that atmosphere commenced at least five years before the clinical onset of malignant neoplasm of the larynx; and
 - (iii) where the last exposure to that atmosphere occurred within the 20 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:
 - (i) for a cumulative period of at least 1 000 hours before the clinical onset of malignant neoplasm of the larynx; and
 - (ii) at the time material containing respirable asbestos fibres was being applied, removed, dislodged, cut or drilled; and

- (iii) the first inhalation of respirable asbestos fibres commenced at least five years before the clinical onset of malignant neoplasm of the larynx; or
- (e) inhaling respirable asbestos fibres in an open environment:
 - (i) for a cumulative period of at least 2 000 hours before the clinical onset of malignant neoplasm of the larynx; and
 - (ii) at the time material containing respirable asbestos fibres was being applied, removed, dislodged, cut or drilled; and
 - (iii) the first inhalation of respirable asbestos fibres commenced at least five years before the clinical onset of malignant neoplasm of the larynx; or
- (f) inhaling smoke from the combustion of biomass or fossil fuels whilst in an enclosed space for at least 5 000 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
- (g) drinking at least 100 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
- (h) 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 30 days, at least five years before the clinical onset of malignant neoplasm of the larynx; or
- (i) 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 1 000 hours, within a consecutive period of ten years before the clinical onset of malignant neoplasm of the larynx, where the first exposure occurred at least five years before the clinical onset of malignant neoplasm of the larynx; or
- (j) inhaling mist from a strong inorganic acid:
 - (i) for a cumulative period of at least 5 000 hours before the clinical onset of malignant neoplasm of the larynx; and
 - (ii) the first inhalation of mist from a strong inorganic acid commenced at least five years before the clinical onset of malignant neoplasm of the larynx; or
- (k) undergoing stem cell or solid organ transplantation before the clinical onset of malignant neoplasm of the larynx; or
- (l) being infected with the human immunodeficiency virus before the clinical onset of malignant neoplasm of the larynx; or

- (m) acquiring persistent infection of the laryngeal epithelium with human papilloma virus type 16 or 18 before the clinical onset of malignant neoplasm of the larynx; or
- (n) drinking maté on more days than not, for at least ten years before the clinical onset of malignant neoplasm of the larynx, and where drinking maté has ceased, the clinical onset of malignant neoplasm of the larynx has occurred within ten years of cessation; or
- (o) an inability to consume an average of at least 200 grams per day of any combination of fruits and vegetables, for a period of at least five consecutive years within the 25 years before the clinical onset of malignant neoplasm of the larynx; or
- (p) inability to obtain appropriate clinical management for malignant neoplasm of the larynx.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(p) 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;

"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 *Veterans' Entitlements Act 1986*;

"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 *Veterans' Entitlements Act 1986*;

"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;

"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:

- (i) 2,4,5-trichlorophenoxyacetic acid;
- (ii) 2,4,5-trichlorophenoxypropionic acid;
- (iii) 2,4,5-trichlorophenol;
- (iv) 2-(2,4,5-trichlorophenoxy)-ethyl 2,2-dichloropropionate;
- (v) o,o-dimethyl-o-(2,4,5-trichlorophenyl)-phosphorothioate;
- (vi) pentachlorophenol;
- (vii) 2,3,4,6-tetrachlorophenol;
- (viii) 2,4,6-trichlorophenol;
- (ix) 1,3,4-trichloro-2-(4-nitrophenoxy)benzene;
- (x) 2,4-dichloro-1-(4-nitrophenoxy)benzene; or
- (xi) 2,4-dichloro-1-(3-methoxy-4-nitrophenoxy)-benzene;

"mist from a strong inorganic acid" means a visible suspension of liquid sulphuric, nitric or hydrochloric acid in gas;

"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 7.3 kilograms of smoking tobacco by weight. Tobacco products mean cigarettes, pipe tobacco or cigars, smoked alone or in any combination;

"potable water" means water used for drinking water, food preparation and beverage production;

"relevant service" means:

- (a) operational service under the VEA;
- (b) peacekeeping service under the VEA;
- (c) hazardous service under the VEA;
- (d) British nuclear test defence service under the VEA;
- (e) warlike service under the MRCA; or
- (f) non-warlike 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.

Application

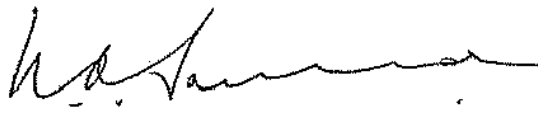
10. This Instrument applies to all matters to which section 120A of the VEA or section 338 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 4 September 2013.

Dated this *twenty-sixth* day of *August* 2013

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

)
)
) 
)

PROFESSOR NICHOLAS SAUNDERS AO
CHAIRPERSON