
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 larynx and death from malignant neoplasm of the larynx 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. 2 of 2006 concerning malignant neoplasm of the larynx. This Instrument will in effect replace the revoked Statements 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 larynx or death from malignant neoplasm of the larynx is connected with the circumstances of that service.
5. This new instrument results from an investigation notified by the Authority in the Government Notices Gazette of 16 July 2003 concerning malignant neoplasm of the larynx in accordance with section 196G of the Act. 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 the new Instrument are in similar terms as the revoked Instruments. Comparing the new and the revoked Instruments, 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 larynx’ in clause 3;
- rewording factor 6(a) relating to smoking;
- rewording factor 6(b) relating to “being in an atmosphere with a visible tobacco smoke haze”;
- rewording factor 6(c) relating to “being exposed to mustard gas”;
- deleting factor relating to respirable asbestos fibres;
- rewording factor 6(d) relating to “drinking at least 500 kilograms of alcohol”;
- deleting factor relating to spraying and decanting insecticides and herbicides;
- revising the definition of ‘pack years of cigarettes, or the equivalent thereof in other tobacco products’; ‘relevant service’; and ‘ICD-10-AM code’ in clause 9;
- including new definitions of ‘alcohol’; an enclosed space’; ‘death from malignant neoplasm of the larynx’; and ‘terminal event’ in clause 9; 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 larynx in the Government Notices Gazettes of 16 July 2003, 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. Two submissions were received for consideration by the Authority.

9. Following the commencement of the MRCA, the Authority published a “Further Notice of Investigations” in the Government Notices Gazette of 14 July 2004, extending the closing date for submissions in relation to the above mentioned investigation until 10 September 2004. The Authority again invited submissions
from the Repatriation Commission, organisations and persons referred to in section 196E of the VEA (who include persons eligible to make a claim under the MRCA), as well as the Military Rehabilitation and Compensation Commission and any person having expertise in the field. No submissions were received for consideration by the Authority during the investigation.

10. On 9 November 2005, the Authority wrote to organisations representing veterans, service personnel and their dependants regarding the proposed Instrument, the medical-scientific material considered by the Authority and emphasising the deletion of two factors relating to “asbestos” and “insecticides and herbicides”. The Authority provided an opportunity to the organisations to make representations in relation to the proposed instrument prior to its determination. No further submissions were received for consideration by the Authority.


12. A list of references relating to the above condition is available, on written request, from the Repatriation Medical Authority Secretariat.