



Australian Government
Repatriation Medical Authority

**Statement of Principles
concerning
MALIGNANT NEOPLASM OF THE LARYNX
(Reasonable Hypothesis)
(No. 41 of 2022)**

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(2) of the *Veterans' Entitlements Act 1986*.

Dated 29 April 2022

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

Professor Terence Campbell AM
Chairperson

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1 Name

This is the Statement of Principles concerning *malignant neoplasm of the larynx (Reasonable Hypothesis)* (No. 41 of 2022).

2 Commencement

This instrument commences on 30 May 2022.

3 Authority

This instrument is made under subsection 196B(2) of the *Veterans' Entitlements Act 1986*.

4 Repeal

The Statement of Principles concerning malignant neoplasm of the larynx No. 61 of 2013 (Federal Register of Legislation No. F2013L01649) made under subsection 196B(2) of the VEA is repealed.

5 Application

This instrument applies to a claim to which section 120A of the VEA or section 338 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 malignant neoplasm of the larynx and death from malignant neoplasm of the larynx.

*Meaning of **malignant neoplasm of the larynx***

- (2) For the purposes of this Statement of Principles, malignant neoplasm of the larynx:
- (a) means a primary malignancy of the mucosa of the larynx, which extends from the lower border of the hypopharynx to the upper border of the trachea; and
 - (b) excludes:
 - (i) carcinoid tumour;
 - (ii) Hodgkin's lymphoma;
 - (iii) non-Hodgkin lymphoma; and
 - (iv) soft tissue sarcoma.

Note: The larynx is divided anatomically into three sections: the supraglottis, glottis and subglottis (infraglottis).

- (3) While malignant neoplasm of the larynx attracts ICD-10-AM code C32, in applying this Statement of Principles the meaning of malignant neoplasm of the larynx 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), Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

Death from malignant neoplasm of the larynx

- (5) For the purposes of this Statement of Principles, 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.

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

8 Basis for determining the factors

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 MRCA.

Note: *MRCA*, *relevant service* and *VEA* are defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors 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:

- (1) having smoked tobacco products:
 - (a) in an amount of at least 1.5 pack-years before the clinical onset of malignant neoplasm of the larynx; and
 - (b) commencing at least 5 years before the clinical onset of malignant neoplasm of the larynx; and

if smoking has ceased before the clinical onset of malignant neoplasm of the larynx, then that onset occurred within 20 years of cessation;

Note: *one pack-year* is defined in the Schedule 1 - Dictionary.

- (2) having been exposed to second-hand smoke:
 - (a) for at least 5,000 hours before the clinical onset of malignant neoplasm of the larynx; and
 - (b) commencing at least 5 years before the clinical onset of malignant neoplasm of the larynx; and

if exposure to second-hand smoke has ceased before the clinical onset of malignant neoplasm of the larynx, then that onset occurred within 20 years of cessation;

Note: *having been exposed to second-hand smoke* is defined in the Schedule 1 – Dictionary.

- (3) being exposed to mustard gas at least 5 years before the clinical onset of malignant neoplasm of the larynx;
- (4) inhaling respirable asbestos fibres in an enclosed space, at the time material containing asbestos was being applied, removed, cut, drilled, dislodged or disturbed:
 - (a) for a cumulative period of at least 1,000 hours before the clinical onset of malignant neoplasm of the larynx; and
 - (b) where the first inhalation of asbestos fibres commenced at least 5 years before the clinical onset of malignant neoplasm of the larynx;

Note: Disturbance of debris or dust contaminated with asbestos fibres already present in an enclosed space may result in exposure to respirable asbestos fibres.

- (5) inhaling respirable asbestos fibres in an open environment, at the time material containing asbestos was being applied, removed, cut, drilled, dislodged or disturbed:
 - (a) for a cumulative period of at least 3,000 hours before the clinical onset of malignant neoplasm of the larynx; and
 - (b) where the first inhalation of asbestos fibres commenced at least 5 years before the clinical onset of malignant neoplasm of the larynx;

Note: Disturbance of debris or dust contaminated with asbestos fibres already present in an open environment may result in exposure to respirable asbestos fibres.

- (6) inhaling smoke from the combustion of wood, charcoal, coal or other biomass or fossil fuel, in an enclosed space:
 - (a) for a cumulative period of at least 7,500 hours before the clinical onset of malignant neoplasm of the larynx; and
 - (b) commencing at least 5 years before the clinical onset of malignant neoplasm of the larynx;

- (7) consuming alcohol:
- (a) in an amount of at least 100 kilograms within any 10 year period; and
 - (b) at least 5 years before the clinical onset of malignant neoplasm of the larynx; and

if consumption of alcohol has ceased before the clinical onset of malignant neoplasm of the larynx, then that onset occurred within 40 years of cessation;

Note: Alcohol consumption is calculated utilising the Australian Standard of 10 grams of alcohol per standard alcoholic drink.

- (8) inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD):
- (a) for a cumulative period of at least 1,000 hours, within a consecutive period of 10 years before the clinical onset of malignant neoplasm of the larynx; and
 - (b) where the first exposure occurred at least 5 years before the clinical onset of malignant neoplasm of the larynx;

Note: *inhaling, ingesting or having cutaneous contact with a chemical agent contaminated by 2,3,7,8-tetrachlorodibenzo-para-dioxin (TCDD)* is defined in the Schedule 1 – Dictionary.

- (9) being:
- (a) on land in Vietnam; or
 - (b) at sea in Vietnamese waters; or
 - (c) 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 5 years before the clinical onset of malignant neoplasm of the larynx;

Note: *being*:

- (a) *on land in Vietnam*; or
- (b) *at sea in Vietnamese waters*; and *estuarine Vietnamese waters* and *potable water* are defined in the Schedule 1 – Dictionary.

- (10) inhaling mist from sulphuric, nitric or hydrochloric acid:
- (a) for a cumulative period of at least 5,000 hours before the clinical onset of malignant neoplasm of the larynx; and
 - (b) where inhalation of the mist commenced at least 5 years before the clinical onset of malignant neoplasm of the larynx;

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

- (11) undergoing solid organ transplantation, excluding corneal transplant, before the clinical onset of malignant neoplasm of the larynx;
- (12) having infection with human immunodeficiency virus before the clinical onset of malignant neoplasm of the larynx;
- (13) acquiring persistent infection of the laryngeal epithelium with human papillomavirus type 16 or 18 before the clinical onset of malignant neoplasm of the larynx;
- (14) consuming maté:
 - (a) on more days than not; and
 - (b) for at least 5 years before the clinical onset of malignant neoplasm of the larynx; andif consumption of maté has ceased before the clinical onset of malignant neoplasm of the larynx, then that onset occurred within 15 years of cessation;
- (15) 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 5 consecutive years within the 20 years before the clinical onset of malignant neoplasm of the larynx;
- (16) having gastro-oesophageal reflux disease for at least the 5 years before the clinical onset of malignant neoplasm of the larynx;
- (17) inhaling or ingesting opium on average at least weekly for at least 10 years before the clinical onset of malignant neoplasm of the larynx;
Note: *opium* is defined in the Schedule 1 - Dictionary.
- (18) inhaling high concentrations of polycyclic aromatic hydrocarbons, through work involving a specified industry, manufacturing process or agent:
 - (a) for a cumulative period of at least 1,500 hours before the clinical onset of malignant neoplasm of the larynx; and
 - (b) where the first inhalation of polycyclic aromatic hydrocarbons occurred at least 5 years before the clinical onset of malignant neoplasm of the larynx;Note: *polycyclic aromatic hydrocarbons* and *specified industry, manufacturing process or agent* are defined in the Schedule 1 – Dictionary.
- (19) using manual welding equipment for welding metal for a cumulative period of at least 10 years before the clinical onset of malignant neoplasm of the larynx;
- (20) inability to obtain appropriate clinical management for malignant neoplasm of the larynx.

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(20) 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 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(2) 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:

being:

(a) on land in Vietnam; or

(b) 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.

Note: *VEA* is also defined in the Schedule 1 - Dictionary.

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.

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

having been exposed to second-hand smoke means having been in an enclosed space and inhaling smoke from burning tobacco products or smoke that has been exhaled by another person who is smoking.

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) 1,3,5-trichloro-2-(4-nitrophenoxy)benzene;
- (x) 2,4-dichloro-1-(4-nitrophenoxy)benzene; or
- (xi) 2,4-dichloro-1-(3-methoxy-4-nitrophenoxy)-benzene.

malignant neoplasm of the larynx—see subsection 7(2).

mist means a liquid aerosol formed by condensation of a vapour or by atomisation of a liquid.

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

one pack-year means the amount of tobacco consumed in smoking 20 cigarettes per day for a period of 1 year, or an equivalent amount of tobacco products.

Note 1: An equivalent amount of tobacco products is 7,300 grams of smoking tobacco by weight, either in cigarettes, pipe tobacco or cigars, or a combination of same. For pipe tobacco, cigars or combinations of multiple tobacco types, 1 gram of tobacco is considered to be equal to one cigarette.

Note 2: Pack-years are calculated by dividing the number of cigarettes smoked per day by 20 and multiplying this number by the number of years the person has smoked. For example, smoking 10 cigarettes per day for 10 years is equal to 5 pack-years, and smoking 40 cigarettes per day for 10 years is equal to 20 pack-years.

opium means the dried or boiled juice (latex) obtained from the seedpod of the poppy plant (*Papaver somniferum*).

polycyclic aromatic hydrocarbons means hydrocarbons with three or more condensed aromatic rings in which certain carbon atoms are common to two or three rings. Polycyclic aromatic hydrocarbons occur in crude oil, shale oil and coal tars, and can be formed during the combustion of organic material or during high temperature processing of crude oil, coal, coke or other industrial carbon compounds.

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

printing means the use of printing plates and the operation of printing presses to print text and illustrations, and includes occupations such as type setters, printers (not textile printers) and book binders.

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.

Note: **MRCA** and **VEA** are also defined in the Schedule 1 - Dictionary.

specified industry, manufacturing process or agent means:

- (a) aluminium production;
- (b) coke production;
- (c) iron and steel founding;
- (d) metalworking fluids;
- (e) printing;
- (f) rubber production; or
- (g) soot during the cleaning of chimneys or flues.

Note: **printing** is also defined in the Schedule 1 - Dictionary.

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*.