



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
CUT, STAB, ABRASION AND LACERATION
(Balance of Probabilities)
(No. 54 of 2016)

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

Dated 22 April 2016

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

A handwritten signature in black ink, appearing to read 'N. Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *cut, stab, abrasion and laceration (Balance of Probabilities)* (No. 54 of 2016).

2 Commencement

This instrument commences on 23 May 2016.

3 Authority

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

4 Revocation

The Statement of Principles concerning cut, stab, abrasion and laceration No. 4 of 2008, 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 cut, stab, abrasion and laceration and death from cut, stab, abrasion and laceration.

Meaning of cut, stab, abrasion and laceration

- (2) For the purposes of this Statement of Principles, cut, stab, abrasion and laceration means:
- (a) an injury that interrupts the continuity of the epidermis or other external tissue and causes a wound. The wound may or may not penetrate to the subcutaneous tissues and underlying structures; and
 - (b) excludes wounds that were caused by:
 - (i) gunshot;
 - (ii) missile;
 - (iii) explosive device or fragment thereof; or
 - (iv) burn.

Death from cut, stab, abrasion or laceration

- (3) For the purposes of this Statement of Principles, cut, stab, abrasion or laceration, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's cut, stab, abrasion or laceration.

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 cut, stab, abrasion or laceration and death from cut, stab, abrasion or laceration 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, cut, stab, abrasion or laceration or death from cut, stab, abrasion or laceration is connected with the circumstances of a person's relevant service:

- (1) having direct physical trauma to the affected site at the time of the cut, stab, abrasion or laceration;
- (2) inability to obtain appropriate clinical management for cut, stab, abrasion or laceration.

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(2) applies only to material contribution to, or aggravation of, cut, stab, abrasion or laceration where the person's cut, stab, abrasion or laceration 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:

cut, stab, abrasion and laceration—see subsection 7(2).

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

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*.