



Seafarers Rehabilitation and Compensation (Catastrophic Injury) Rules 2018

I, CRAIG LAUNDY, Minister for Small and Family Business, the Workplace and Deregulation, make the following rules.

Dated 22/8/18

CRAIG LAUNDY

Minister for Small and Family Business, the Workplace and Deregulation

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1 Name

This instrument is the *Seafarers Rehabilitation and Compensation (Catastrophic Injury) Rules 2018*.

2 Commencement

This instrument commences the day after it is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under section 144 of the Act.

4 Application

This instrument applies to an injury suffered by an employee whether the injury was suffered before, on, or after the commencement of this instrument.

5 Definitions

In this instrument:

Act means the *Seafarers Rehabilitation and Compensation Act 1992*.

injury means an injury for which compensation is payable under the Act.

6 Conditions of a catastrophic injury

For the purposes of the definition of *catastrophic injury* in section 3 of the Act, an injury is a catastrophic injury if one or more of the following conditions are satisfied:

- (a) the injury is a catastrophic spinal cord injury; or
- (b) the injury is a catastrophic brain injury; or
- (c) the injury is a catastrophic amputation injury; or
- (d) the injury is a catastrophic burn injury; or
- (e) the injury is a catastrophic blindness injury.

7 Catastrophic spinal cord injury

An injury is a *catastrophic spinal cord injury* if it is a lesion of the spinal cord or cauda equina which results in one or more of the following:

- (a) sensory deficit; or
- (b) motor deficit; or
- (c) bladder dysfunction; or
- (d) bowel dysfunction.

8 Catastrophic brain injury

An injury is a ***catastrophic brain injury*** if it is a brain injury which results in:

- (a) impairment of cognitive, physical or psychosocial functions; and
- (b) impairment assessed at a score of 5 or less on any of the items on the FIM™ score sheet at Schedule 1; and
- (c) one or both of the following:
 - (i) a period of post traumatic amnesia of at least 7 days; or
 - (ii) a significant brain imaging abnormality.

Note: The FIM™ (Functional Independence Measure) is a basic indicator of severity of functional limitation.

9 Catastrophic amputation injury

Single injury

- (1) An injury is a ***catastrophic amputation injury*** if:
 - (a) the injury results in at least one of the following:
 - (i) a forequarter amputation; or
 - (ii) a shoulder disarticulation; or
 - (iii) if the injury is a brachial plexus avulsion injury—no residual functioning in the upper extremity; or
 - (iv) a hindquarter amputation; or
 - (v) a hip disarticulation; or
 - (vi) if the injury is a lumbar plexus avulsion injury—no residual functioning in the lower extremity; or
 - (vii) an amputation involving the loss of 65% or more of the length of the femur; or
 - (b) the injury results in at least two of the following:
 - (i) loss of 50% or more of the length of the tibia of the left leg; or
 - (ii) loss of 50% or more of the length of the tibia of the right leg; or
 - (iii) loss of the thumb of the left hand at or above the first metacarpophalangeal joint; or
 - (iv) loss of the thumb of the right hand at or above the first metacarpophalangeal joint.

Multiple injuries

- (2) An injury is a ***catastrophic amputation injury*** if:
 - (a) the injury results in any one of the losses specified in paragraph (1)(b); and
 - (b) prior to the employee suffering the injury, the employee suffered an injury to a different limb or limbs (the ***earlier injury***); and
 - (c) the earlier injury:
 - (i) satisfies the conditions for a ***catastrophic amputation injury*** in subsection (1); or
 - (ii) results in any one of the losses specified in paragraph (1)(b).

-
- (3) For the avoidance of doubt, the earlier injury mentioned in subparagraph (2)(c)(ii) is not a *catastrophic amputation injury* unless the earlier injury satisfies the conditions for a *catastrophic amputation injury* in subsection (1) or (2).

10 Catastrophic burn injury

An injury is a *catastrophic burn injury* if it results in impairment assessed at a score of 5 or less on any of the items on the FIMTM score sheet at Schedule 1, and the injury is one or both of the following:

- (a) full thickness burns:
 - (i) for an employee aged 16 years or above at the time of the injury—greater than 40% of the total body surface area; or
 - (ii) for an employee aged under 16 years at the time of the injury—greater than 30% of the total body surface area; or
 - (iii) to the hands, face or genital area; or
- (b) inhalation burns resulting in vital capacity or forced expiratory volume in one second which is less than 50% of that predicted for the employee's age, height and ethnicity.

Note: The FIMTM (Functional Independence Measure) is a basic indicator of severity of functional limitation.

11 Catastrophic blindness injury

An injury is a *catastrophic blindness injury* if it results in one or more of the following:

- (a) visual acuity after correction by suitable lenses of less than 6/60 in both eyes; or
- (b) constriction to within 10 degrees of fixation in the better eye irrespective of corrected visual acuity; or
- (c) a combination of visual defects resulting in the same degree of visual impairment as that specified in subsection (a) or (b).

Note: An employee would have visual acuity of 6/60 if the employee is only able to see at a distance of 6 metres a symbol which a person with normal vision could see at a distance of 60 metres.

Schedule 1—FIM™ score sheet

| | |
|---|---------------------|
| Patient's name: | Date of birth: |
| Type of injury: <input type="checkbox"/> Brain injury <input type="checkbox"/> Burn | Date of injury: |
| Hospital / unit: | Date of assessment: |
| Method of administration: <input type="checkbox"/> Direct observation <input type="checkbox"/> Interview with: | |

| Item | Score | Is score due to the injury? | Reasons for score |
|-----------------------------|-------|--|--|
| SELF CARE | | | |
| 1. Eating | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 2. Grooming | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 3. Bathing | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 4. Dressing – upper body | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 5. Dressing – lower body | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| SPHINCTER CONTROL | | | |
| 6. Toileting | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 7. Bladder management | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 8. Bowel management | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Self-care subtotal | | | |
| TRANSFERS | | | |
| 9. Bed / Chair / Wheelchair | | <input type="checkbox"/> Yes <input type="checkbox"/> No | Mode: W – Walk C – Wheelchair B – Both |
| 10. Toilet | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 11. Bath / Shower | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| LOCOMOTION | | | |
| 12. Walk / Wheelchair | | <input type="checkbox"/> Yes <input type="checkbox"/> No | Mode: W – Walk C – Wheelchair B – Both |
| 13. Stairs | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Mobility subtotal | | | |

| COMMUNICATION | | | |
|---------------------------|--|--|--|
| 14. Comprehension | | <input type="checkbox"/> Yes <input type="checkbox"/> No | Mode: A – Auditory V – Visual C – Both |
| 15. Expression | | <input type="checkbox"/> Yes <input type="checkbox"/> No | Mode: A – Auditory V – Visual C – Both |
| SOCIAL COGNITION | | | |
| 16. Social interaction | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 17. Problem solving | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| 18. Memory | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| Cognition subtotal | | | |
| FIM™ TOTAL SCORE | | | |

| | |
|---------------------|---|
| Administered by: | FIM™ credentialed: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Qualification: | |
| Date of assessment: | |

| FIM™ LEVELS |
|---|
| <i>No helper</i> |
| 7 Complete independence (Timely, Safely) |
| 6 Modified independence (Device) |
| <i>Helper – Modified Dependence</i> |
| 5 Supervision (Subject = 100%) |
| 4 Minimal assistance (Subject = 75% or more) |
| 3 Moderate assistance (Subject = 50% or more) |
| <i>Helper – Complete Dependence</i> |
| 2 Maximal assistance (Subject = 25% or more) |
| 1 Total assistance (Subject less than 25%) |

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