

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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Schedule 1—FIMTM score sheet i

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 FIMTM 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 FIMTM (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—FIMTM score sheet

|  |  |
| --- | --- |
| Patient’s name: | Date of birth: |
| Type of injury: [ ]  Brain injury [ ]  Burn | Date of injury: |
| Hospital / unit: | Date of assessment: |
| Method of administration: [ ]  Direct observation [ ]  Interview with: |
|  |  |  |  |
| Item | Score | Is score due to the injury? | Reasons for score |
| SELF CARE |
| 1. Eating
 |  | [ ]  Yes [ ]  No |  |
| 1. Grooming
 |  | [ ]  Yes [ ]  No |  |
| 1. Bathing
 |  | [ ]  Yes [ ]  No |  |
| 1. Dressing – upper body
 |  | [ ]  Yes [ ]  No |  |
| 1. Dressing – lower body
 |  | [ ]  Yes [ ]  No |  |
| SPHINCTER CONTROL |
| 1. Toileting
 |  | [ ]  Yes [ ]  No |  |
| 1. Bladder management
 |  | [ ]  Yes [ ]  No |  |
| 1. Bowel management
 |  | [ ]  Yes [ ]  No |  |
| Self-care subtotal |  |  |
| TRANSFERS |
| 1. Bed / Chair / Wheelchair
 |  | [ ]  Yes [ ]  No | Mode: W – WalkC – WheelchairB – Both |
| 1. Toilet
 |  | [ ]  Yes [ ]  No |  |
| 1. Bath / Shower
 |  | [ ]  Yes [ ]  No |  |
| LOCOMOTION |
| 1. Walk / Wheelchair
 |  | [ ]  Yes [ ]  No | Mode: W – WalkC – WheelchairB – Both |
| 1. Stairs
 |  | [ ]  Yes [ ]  No |  |
| Mobility subtotal |  |  |
| COMMUNICATION |
| 1. Comprehension
 |  | [ ]  Yes [ ]  No | Mode: A – AuditoryV – VisualC – Both |
| 1. Expression
 |  | [ ]  Yes [ ]  No | Mode: A – AuditoryV – VisualC – Both |
| SOCIAL COGNITION |
| 1. Social interaction
 |  | [ ]  Yes [ ]  No |  |
| 1. Problem solving
 |  | [ ]  Yes [ ]  No |  |
| 1. Memory
 |  | [ ]  Yes [ ]  No |  |
| Cognition subtotal |  |  |
| FIM™ TOTAL SCORE |  |
|  |  |
| Administered by:  | FIM™ credentialed: [ ]  Yes [ ]  No |
| Qualification: |  |
| Date of assessment: |  |
|  |  |
| **FIM™ LEVELS*****No helper*****7** Complete independence (Timely, Safely)**6** Modified independence (Device)***Helper – Modified Dependence*****5** Supervision (Subject = 100%)**4** Minimal assistance (Subject = 75% or more)**3** Moderate assistance (Subject = 50% or more)***Helper – Complete Dependence*****2** Maximal assistance (Subject = 25% or more)1 Total assistance (Subject less than 25%) |

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