

Statement of Principles
concerning

CUT, STAB, ABRASION AND LACERATION

No. 4 of 2008

for the purposes of the

Veterans' Entitlements Act 1986
and

Military Rehabilitation and Compensation Act 2004

Title

1. This Instrument may be cited as Statement of Principles concerning cut, stab, abrasion and laceration No. 4 of 2008.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 55 of 1994 concerning cuts, stabs, abrasions or lacerations; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3. (a) This Statement of Principles is about **cut, stab, abrasion and laceration** and **death from cut, stab, abrasion and laceration**.
 - (b) For the purposes of this Statement of Principles:
"cut, stab, abrasion and laceration" means any wound that interrupts the continuity of the epidermis or other external tissue, and may or may not penetrate to the subcutaneous tissues and underlying structures.

This definition excludes wounds that were caused by a:

- (1) gunshot;
- (2) missile;
- (3) explosive device or fragment thereof; or
- (4) burn.

Basis for determining the factors

4. 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 *Military Rehabilitation and Compensation Act 2004* (the MRCA).

Factors that must be related to service

5. Subject to clause 7, at least one of the factors set out in clause 6 must be related to the relevant service rendered by the person.

Factors

6. The factor that 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 is:
 - (a) having physical trauma to the affected site at the time of cut, stab, abrasion, or laceration; or
 - (b) inability to obtain appropriate clinical management for cut, stab, abrasion or laceration.

Factors that apply only to material contribution or aggravation

7. Paragraph **6(b)** 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 not arising out of) the person's relevant service.

Inclusion of Statements of Principles

8. In this Statement of Principles if a relevant factor applies and that factor includes an injury or disease in respect of which there is a Statement of Principles then the factors in that last mentioned Statement of Principles apply in accordance with the terms of that Statement of Principles as in force from time to time.

Other definitions

9. For the purposes of this Statement of Principles:

"death from 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;

"relevant service" means:

- (a) eligible war service (other than operational service) under the VEA; or
- (b) defence service (other than hazardous service) under the VEA; or
- (c) peacetime service under the MRCA;

"terminal event" means the proximate or ultimate cause of death and includes:

- (a) pneumonia;
- (b) respiratory failure;
- (c) cardiac arrest;
- (d) circulatory failure; or
- (e) cessation of brain function.

Application

10. This Instrument applies to all matters to which section 120B of the VEA or section 339 of the MRCA applies.

Date of effect

11. This Instrument takes effect from 9 January 2008.

Dated this **twentieth** day of
December 2007

The Common Seal of the)
Repatriation Medical Authority)
was affixed to this instrument)
in the presence of:)

KEN DONALD
CHAIRPERSON