



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
CHEMICAL BURN
(Balance of Probabilities)
(No. 4 of 2024)

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

Dated 22 December 2023.

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

Professor Terence Campbell AM
Chairperson

Contents

1	Name	3
2	Commencement	3
3	Authority	3
4	Repeal	3
5	Application.....	3
5	Definitions	3
6	Kind of injury, disease or death to which this Statement of Principles relates	3
7	Basis for determining the factors	4
8	Factors that must exist.....	4
9	Relationship to service	4
10	Factors referring to an injury or disease covered by another Statement of Principles	4
Schedule 1 - Dictionary		6
1	Definitions	6

1 Name

This is the Statement of Principles concerning *chemical burn (Balance of Probabilities)* (No. 4 of 2024).

2 Commencement

This instrument commences on 22 January 2024.

3 Authority

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

4 Repeal

The Statement of Principles concerning external burn No. 111 of 2015 (Federal Register of Legislation No. F2015L01331) made under subsections 196B(3) and (8) of the VEA is repealed.

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 chemical burn and death from chemical burn.

*Meaning of **chemical burn***

- (2) For the purposes of this Statement of Principles, chemical burn:
- (a) means an injury to the skin and external body covering tissues due to external contact with chemical agents; and
 - (b) includes chemical burns of deep tissues and organs that are part of a multiple chemical burn injury that includes injury to the skin and external body covering tissues; and
 - (c) excludes irritant contact dermatitis.

Note: chemical burn may include a systemic response of the body with systemic inflammation and vascular shock.

Death from chemical burn

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

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 chemical burn and death from chemical burn can be related to relevant service rendered by veterans 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 exist before it can be said that, on the balance of probabilities, chemical burn or death from chemical burn is connected with the circumstances of a person's relevant service:

- (1) having contact with vesicant or corrosive chemicals sufficient to cause at least erythema at the affected area of the body within the 48 hours before the clinical onset of chemical burn;
- (2) inability to obtain appropriate clinical management for chemical burn before the clinical worsening of chemical burn.

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, chemical burn where the person's chemical burn 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:

chemical burn—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.

Note: ***MRCA*** and ***VEA*** are 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*.