



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
RADIATION BURN
(Balance of Probabilities)
(No. 6 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

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1 Name

This is the Statement of Principles concerning *radiation burn (Balance of Probabilities)* (No. 6 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No. 111 of 2015 (Federal Register of Legislation No. F2015L01331) made under subsections 196B(3) and (8) of the VEA is repealed.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 radiation burn and death from radiation burn.

Meaning of radiation burn

- (2) For the purposes of this Statement of Principles, radiation burn:
- (a) means an injury to the skin and external body covering tissues due to transfer of energy into the tissue with external exposure to ionising radiation; and
 - (b) includes ionising radiation burns of deep tissues and organs that are part of a multiple burn injury that includes injury to the skin and external body covering tissues; and
 - (c) excludes:
 - (i) ultraviolet radiation burns; and

- (ii) isolated ionising radiation burn of the internal body organs such as the respiratory tract, gastrointestinal tract and internal genitourinary tract.

Death from radiation burn

- (3) For the purposes of this Statement of Principles, radiation burn, in relation to a person, includes death from a terminal event or condition that was contributed to by the person's radiation 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 radiation burn and death from radiation 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, radiation burn or death from radiation burn is connected with the circumstances of a person's relevant service:

- (1) having exposure to ionising radiation sufficient to cause at least erythema at the affected area of the body within the 30 days before the clinical onset of radiation burn;
- (2) inability to obtain appropriate clinical management for radiation burn before the clinical worsening of radiation 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, radiation burn where the person's radiation 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:

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

radiation burn—see subsection 7(2).

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*.