



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
SPRAIN AND STRAIN
(Balance of Probabilities)
(No. 28 of 2020)

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

Dated 24 April 2020

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

A handwritten signature in black ink, appearing to read 'N. Saunders'.

Professor Nicholas Saunders AO
Chairperson

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1 Name

This is the Statement of Principles concerning *sprain and strain (Balance of Probabilities)* (No. 28 of 2020).

2 Commencement

This instrument commences on 25 May 2020.

3 Authority

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

4 Repeal

The Statement of Principles concerning sprain and strain No. 95 of 2011 (Federal Register of Legislation No. F2011L01727) made under subsection 196B(3) of the VEA is repealed.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 sprain and strain and death from sprain and strain.

Meaning of sprain

- (2) For the purposes of this Statement of Principles, sprain:
- (a) means an injury involving the tearing or stretching of one or more joint ligaments, associated with the onset of pain and tenderness at that site within the 24 hours following the injury; and
 - (b) includes complete tear or rupture of a ligament; and
 - (c) excludes recurrent sprain due to joint instability.

Meaning of strain

- (3) For the purposes of this Statement of Principles, strain:
- (a) means an injury involving the tearing or stretching of a muscle or tendon, associated with the onset of pain and tenderness at that site within the 24 hours following the injury; and
 - (b) includes complete tear or rupture of a muscle or tendon; and
 - (c) excludes drug-induced disease of tendons or muscles.

Death from sprain and strain

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

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 sprain or strain and death from sprain or strain 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, sprain or strain or death from sprain or strain is connected with the circumstances of a person's relevant service:

- (1) experiencing a significant physical force applied to or through the affected joint, at the time of the clinical onset of a sprain to that joint ligament;

Note: Examples of activities and circumstances involving significant physical force applied to or through the affected joint include falls, collisions, lifting weights, running, jumping or stepping down from a height, throwing objects and climbing.

- (2) forceful stretching or high intensity use of a muscle or tendon at the time of the clinical onset of a strain to that muscle or tendon;

Note: Examples of activities and circumstances involving forceful stretching or high intensity use of a muscle or tendon include lifting weights, push ups, pull ups, throwing objects, running, kicking, jumping and climbing.

- (3) experiencing a significant physical force applied to or through the affected joint, at the time of the clinical worsening of a sprain to that joint ligament;

Note: Examples of activities and circumstances involving significant physical force applied to or through the affected joint include falls, collisions, lifting weights, running, jumping or stepping down from a height, throwing objects and climbing.

- (4) forceful stretching or high intensity use of a muscle or tendon at the time of the clinical worsening of a strain to that muscle or tendon;

Note: Examples of activities and circumstances involving forceful stretching or high intensity use of a muscle or tendon include lifting weights, push ups, pull ups, throwing objects, running, kicking, jumping and climbing.

- (5) inability to obtain appropriate clinical management for sprain or strain.

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 factors set out in subsections 9(3) to 9(5) apply only to material contribution to, or aggravation of, sprain or strain where the person's sprain or strain 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*.

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 also defined in the Schedule 1 - Dictionary.

sprain—see subsection 7(2).

strain—see subsection 7(3).

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*.