

Revocation

of

Statement of Principles
concerning

GUNSHOT WOUNDS

and

Determination

of

Statement of Principles
concerning

**PHYSICAL INJURY DUE TO MUNITIONS
DISCHARGE**

Veterans' Entitlements Act 1986

1. The Repatriation Medical Authority under subsection **196B(3)** of the *Veterans' Entitlements Act 1986* (the Act):
 - (a) revokes Instrument No.40 of 1994 and Instrument No.230 of 1995 concerning gunshot wounds; and
 - (b) determines in their place the following Statement of Principles.

Kind of injury, disease or death

2. (a) This Statement of Principles is about **physical injury due to munitions discharge** and **death from physical injury due to munitions discharge**.

- (b) For the purposes of this Statement of Principles, “**physical injury due to munitions discharge**” means damage to body tissue, organs or bone as a direct result of explosion, weapon discharge or shrapnel fragments.

Basis for determining the factors

- 3. On the sound medical-scientific evidence available, the Repatriation Medical Authority is of the view that it is more probable than not that **physical injury due to munitions discharge and death from physical injury due to munitions discharge** can be related to relevant service rendered by veterans or members of the Forces.

Factors that must be related to service

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

Factors

- 5. The factors that must exist before it can be said that, on the balance of probabilities, **physical injury due to munitions discharge** or **death from physical injury due to munitions discharge** is connected with the circumstances of a person’s relevant service are:
 - (a) sustaining physical injury due to munitions discharge; or
 - (b) inability to obtain appropriate clinical management for physical injury due to munitions discharge.

Factors that apply only to material contribution or aggravation

- 6. Paragraph 5(b) applies only to material contribution to, or aggravation of, physical injury due to munitions discharge where the person’s physical injury due to munitions discharge was suffered or contracted before or during (but not arising out of) the person’s relevant service; paragraph 8(1)(e), 9(1)(e) or 70(5)(d) of the Act refers.

Inclusion of Statements of Principles

- 7. 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.

Other definitions

8. For the purposes of this Statement of Principles:

“death from physical injury due to munitions discharge” in relation to a person includes death from a terminal event or condition that was contributed to by the person’s physical injury due to munitions discharge;

“relevant service” means:

- (a) eligible war service (other than operational service); or
- (b) defence service (other than hazardous service);

“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

9. This Instrument applies to all matters to which section 120B of the Act applies.

Dated this *Twenty-third* day of *March* 2000

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

KEN DONALD
CHAIRMAN