

Statement of Principles
concerning

DECOMPRESSION SICKNESS

No. 44 of 2006

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 decompression sickness No. 44 of 2006.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 148 of 1995 concerning Caisson disease and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **decompression sickness** and **death from decompression sickness**.
 - (b) For the purposes of this Statement of Principles, “**decompression sickness**” means a multi-organ disorder caused by supersaturation of the body with dissolved nitrogen and the release of nitrogen gas bubbles in the blood or tissues, and which is manifest by discrete episodes of musculoskeletal, cutaneous, lymphatic, cardiopulmonary, inner ear or neurological signs or symptoms. Decompression sickness is also known as Caisson disease.

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 **decompression sickness** and **death from decompression sickness** 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, **decompression sickness** or **death from decompression sickness** is connected with the circumstances of a person's relevant service is:
 - (a) experiencing an episode of decompression within the 72 hours before the clinical onset of decompression sickness; or
 - (b) inability to obtain appropriate clinical management for decompression sickness.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(b) applies only to material contribution to, or aggravation of, decompression sickness where the person's decompression sickness 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:

“**an episode of decompression**” means a reduction in the ambient barometric pressure exerted by the envelope of air or water surrounding the person, occurring with:

- (a) flying; or
- (b) diving; or
- (c) ascending from a submerged craft or device, or a pressurised tunnel; or
- (d) decompression in a hypobaric chamber; or
- (e) decompression after being compressed in a hyperbaric chamber;

“death from decompression sickness” in relation to a person includes death from a terminal event or condition that was contributed to by the person’s decompression sickness;

“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
- (f) 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 30 August 2006.

Dated this *seventeenth* day of *August* 2006

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

KEN DONALD
 CHAIRPERSON