Statement of Principles

concerning

CUT, STAB, ABRASION AND LACERATION
(Reasonable Hypothesis)
(No. 53 of 2016)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(2) of the Veterans' Entitlements Act 1986.

Dated 22 April 2016

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

Professor Nicholas Saunders AO
Chairperson
1 Name
This is the Statement of Principles concerning cut, stab, abrasion and laceration (Reasonable Hypothesis) (No. 53 of 2016).

2 Commencement
This instrument commences on 23 May 2016.

3 Authority
This instrument is made under subsection 196B(2) of the Veterans’ Entitlements Act 1986.

4 Revocation
The Statement of Principles concerning cut, stab, abrasion and laceration No. 3 of 2008 made under subsection 196B(2) of the VEA is revoked.

5 Application
This instrument applies to a claim to which section 120A of the VEA or section 338 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 cut, stab, abrasion and laceration and death from cut, stab, abrasion and laceration.

Meaning of cut, stab, abrasion and laceration
(2) For the purposes of this Statement of Principles, cut, stab, abrasion and laceration means:

(a) an injury that interrupts the continuity of the epidermis or other external tissue and causes a wound. The wound may or may not penetrate to the subcutaneous tissues and underlying structures; and

(b) excludes wounds that were caused by:

(i) gunshot;
(ii) missile;
(iii) explosive device or fragment thereof; or
(iv) burn.
**Death from cut, stab, abrasion or laceration**

(3) For the purposes of this Statement of Principles, cut, stab, abrasion or laceration, in relation to a person, includes death from a terminal event or condition that was contributed to by the person’s cut, stab, abrasion or laceration.

Note: terminal event is defined in the Schedule 1 – Dictionary.

8 **Basis for determining the factors**

The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that cut, stab, abrasion or laceration and death from cut, stab, abrasion or laceration can be related to relevant service rendered by veterans, members of Peacekeeping Forces, or members of the Forces under the VEA, or members under the MRCA.

Note: relevant service is defined in the Schedule 1 – Dictionary.

9 **Factors that must exist**

At least one of the following factors must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting cut, stab, abrasion or laceration or death from cut, stab, abrasion or laceration with the circumstances of a person’s relevant service:

(1) having direct physical trauma to the affected site at the time of the cut, stab, abrasion or laceration;

(2) inability to obtain appropriate clinical management for cut, stab, abrasion or laceration.

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, cut, stab, abrasion or laceration where the person’s cut, stab, abrasion or laceration 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(2) 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:

- **cut, stab, abrasion and laceration**—see subsection 7(2).

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

- **relevant service** means:
  
  (a) operational service under the VEA;
  
  (b) peacekeeping service under the VEA;
  
  (c) hazardous service under the VEA;
  
  (d) British nuclear test defence service under the VEA;
  
  (e) warlike service under the MRCA; or
  
  (f) non-warlike service under the MRCA.

- **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.