Australian Government

Repatriation Medical Authority

EXPLANATORY STATEMENT

STATEMENT OF PRINCIPLES CONCERNING ELECTRICAL INJURY (BALANCE OF PROBABILITIES) (NO. 71 OF 2026)

MILITARY REHABILITATION AND COMPENSATION ACT 2004

1. This is the Explanatory Statement to the *Statement of Principles concerning* ***electrical injury*** *(Balance of Probabilities)* (No. 71 of 2026).

Background

2. The Repatriation Medical Authority (the Authority), under section 370CG of the *Military Rehabilitation and Compensation Act 2004* (the MRCA), repeals Instrument No. 42 of 2018 (Federal Register of Legislation No. F2018L00536) determined under subsections 196B(3) and (8) of the VEA concerning electrical injury.

3. The Authority is of the view that on the sound medical-scientific evidence available it is more probable than not that electrical injury and death from electrical injury can be related to particular kinds of service. The Authority has therefore determined pursuant to section 370CC of the MRCA a Statement of Principles concerning electrical injury (Balance of Probabilities) (No. 71 of 2026). This Instrument will in effect replace the repealed Statement of Principles.

Purpose and Operation

4. The Statement of Principles will be applied in determining claims under the MRCA.

5. The Statement of Principles sets out the factors that must exist, and which of those factors must be related to the following kinds of service rendered by a person:

   - peacetime service;
   - service to which a claim mentioned in subsection 120B(1) of the VEA relates

   before it can be said that, on the balance of probabilities, electrical injury or death from electrical injury is connected with the circumstances of that service. The Statement of Principles has been determined for the purposes of the MRCA.

6. This Instrument results from an investigation notified by the Authority in the Government Notices Gazette of 22 October 2025 concerning electrical injury in accordance with section 370CJ of the MRCA. The investigation involved an examination of the sound medical-scientific evidence now available to the Authority, including the sound medical-scientific evidence it has previously considered.

7. The contents of this Instrument are in similar terms as the repealed Instrument. Comparing this Instrument and the repealed Instrument, the differences include:

   - adopting the latest revised Instrument format, which commenced in July 2026;
   - specifying a day of commencement for the Instrument in section 2;

- revising the definition of 'electrical injury' in subsection 7(2);
- revising the factor in subsection 9(1) to merge exposure to electric arc factor with exposure to electrical current factor;
- revising the factor in subsection 9(2) concerning inability to obtain appropriate clinical management to include before clinical worsening; and
- revising the definition of ‘relevant service’ in Schedule 1 – Dictionary.

Incorporation

8. This Instrument refers to *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification* (ICD-10-AM), Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

   The reference to the ICD-10-AM in this instrument is included for contextual and explanatory purposes only. Although not incorporated by reference, information about the ICD-10-AM can be obtained upon application in writing to the Repatriation Medical Authority either via our website at www.rma.gov.au or postal address GPO Box 1014, Brisbane, Queensland 4001.

Consultation

9. Prior to determining this Instrument, the Authority advertised its intention to undertake an investigation into electrical injury in the Government Notices Gazette of 22 October 2025 and provided a copy of the notice to a wide range of organisations representing veterans, service personnel and their dependants. The Authority invited submissions from the Repatriation Commission, organisations and persons referred to in section 370CH of the MRCA, and other persons with relevant expertise. No submissions were received in response to the investigation.

Human Rights

10. This instrument is compatible with the Human Rights and Freedoms recognised or declared in the International Instruments listed in Section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A Statement of Compatibility with Human Rights follows.

Finalisation of Investigation

11. The determining of this Instrument finalises the investigation in relation to electrical injury as advertised in the Government Notices Gazette of 22 October 2025.

References

12. A list of references relating to the above condition is available on the Authority's website at: www.rma.gov.au. Any other document referred to in this Statement of Principles is available on request to the Repatriation Medical Authority at the following address:

    Email: info@rma.gov.au
    Post: The Registrar
    Repatriation Medical Authority
    GPO Box 1014
    BRISBANE QLD 4001

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Repatriation Medical Authority

Statement of Compatibility with Human Rights

(Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011)

Instrument No.: **Statement of Principles No. 71 of 2026**

Kind of Injury, Disease or Death: **Electrical injury**

This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the Legislative Instrument

1. This Legislative Instrument is determined pursuant to section 370CC of the *Military Rehabilitation and Compensation Act 2004* (the MRCA) for the purposes of the MRCA. Chapter 9A of the MRCA requires the determination of these instruments outlining the factors connecting particular kinds of injury, disease or death with service such being determined solely on the available sound medical-scientific evidence.

2. This Legislative Instrument:-

- facilitates claimants in making, and the Repatriation Commission in assessing, claims under the MRCA, by specifying the circumstances in which medical treatment and compensation can be extended to eligible persons who have electrical injury;
- facilitates the review of such decisions by the Veterans' Review Board and the Administrative Review Tribunal;
- outlines the factors which the current sound medical-scientific evidence indicates must exist before it can be said that, on the balance of probabilities, electrical injury is connected with the circumstances of eligible service rendered by a person, as set out in clause 5 of the Explanatory Statement;
- replaces Instrument No. 42 of 2018; and
- reflects developments in the available sound medical-scientific evidence concerning electrical injury which have occurred since that earlier instrument was determined.

3. The Instrument is assessed as being a technical instrument which improves the medico-scientific quality of outcomes under the MRCA.

Human Rights Implications

4. This Legislative Instrument does not derogate from any human rights. It promotes the human rights of veterans, current and former Defence Force members as well as other persons such as their dependents, including:

- the right to social security (Art 9, *International Covenant on Economic, Social and Cultural Rights*; Art 26, *Convention on the Rights of the Child* and Art 28, *Convention on the Rights of Persons with Disabilities*) by helping to ensure that the qualifying conditions for the benefit are 'reasonable, proportionate and transparent'[1];
- the right to an adequate standard of living (Art 11, ICESCR; Art 27, CRC and Art 28, CRPD) by facilitating the assessment and determination of social security benefits;
- the right to the enjoyment of the highest attainable standard of physical and mental health (Art 12, ICESCR and Art 25, CRPD), by facilitating the assessment and determination of compensation and benefits in relation to the treatment and rehabilitation of veterans and Defence Force members;
- the rights of persons with disabilities by facilitating the determination of claims relating to treatment and rehabilitation (Art 26, CRPD); and
- ensuring that those rights "will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status" (Art 2, ICESCR).

Conclusion

This Legislative Instrument is compatible with human rights as it does not derogate from and promotes a number of human rights.

Repatriation Medical Authority

[1] In General Comment No. 19 (The right to social security), the Committee on Economic, Social and Cultural Rights said (at paragraph 24) this to be one of the elements of ensuring accessibility to social security.