



Australian Government
Repatriation Medical Authority

Statement of Principles
concerning
IMMERSION PULMONARY OEDEMA
(Balance of Probabilities)
(No. 35 of 2017)

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

Dated 21 April 2017

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 *immersion pulmonary oedema (Balance of Probabilities)* (No. 35 of 2017).

2 Commencement

This instrument commences on 22 May 2017.

3 Authority

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

4 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.

5 Definitions

The terms defined in the Schedule 1 - Dictionary have the meaning given when used in this instrument.

6 Kind of injury, disease or death to which this Statement of Principles relates

- (1) This Statement of Principles is about immersion pulmonary oedema and death from immersion pulmonary oedema.

Meaning of immersion pulmonary oedema

- (2) For the purposes of this Statement of Principles, immersion pulmonary oedema means:
- (a) a condition in which acute pulmonary oedema develops while swimming or diving; and
 - (b) excludes acute pulmonary oedema attributed to pulmonary decompression sickness, acute myocardial infarction or an acute exacerbation of chronic heart failure.

Note: Immersion pulmonary oedema typically presents with breathlessness, cough, haemoptysis, pink frothy sputum and hypoxaemia.

Death from immersion pulmonary oedema

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

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

7 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 immersion pulmonary oedema and death from immersion pulmonary oedema can be related to relevant service rendered by veterans or members of the Forces under the VEA, or members under the MRCA.

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

8 Factors that must exist

At least one of the following factors must exist before it can be said that, on the balance of probabilities, immersion pulmonary oedema or death from immersion pulmonary oedema is connected with the circumstances of a person's relevant service:

- (1) undertaking swimming or underwater diving at the time of the clinical onset of immersion pulmonary oedema;
- (2) inability to obtain appropriate clinical management for immersion pulmonary oedema.

9 Relationship to service

- (1) The existence in a person of any factor referred to in section 8, must be related to the relevant service rendered by the person.
- (2) The factor set out in subsection 8(2) applies only to material contribution to, or aggravation of, immersion pulmonary oedema where the person's immersion pulmonary oedema was suffered or contracted before or during (but did not arise out of) the person's relevant service.

10 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 8 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 5

1 Definitions

In this instrument:

immersion pulmonary oedema—see subsection 6(2).

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.

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*.