

Statement of Principles
concerning

ELECTRICAL INJURY

No. 32 of 2009

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 electrical injury No. 32 of 2009.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 150 of 1995 concerning non fatal effects of electric shock and death from electrocution, and Instrument No. 152 of 1995, as amended by Instrument No. 198 of 1995, concerning effects of lightning; and
 - (b) determines in their place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **electrical injury** and **death from electrical injury**.
 - (b) For the purposes of this Statement of Principles, "**electrical injury**" means one or more of the following conditions:
 - (i) external burn;
 - (ii) burn of internal organ, bone, joint, muscle, tendon, nerve, vessel or soft tissue;
 - (iii) cardiac arrest, cardiac arrhythmia, conduction abnormality, myocardial necrosis, cardiac failure, or pericarditis;

- (iv) respiratory arrest;
- (v) muscle necrosis;
- (vi) compartment syndrome;
- (vii) myoglobinuria;
- (viii) acute renal failure;
- (ix) neurological deficits of the central, peripheral or autonomic nervous system;
- (x) complex regional pain syndrome;
- (xi) keraunoparalysis;
- (xii) Lichtenberg figure; or
- (xiii) visual or auditory sense organ deficits,

where at least one of these conditions arises within the 30 days following exposure to electrical current.

- (c) Electrical injury attracts ICD-10-AM code T75.0 or T75.4.
- (d) In the application of this Statement of Principles, the definition of "**electrical injury**" is that given at paragraph 3(b) above.

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 **electrical injury** and **death from electrical injury** 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, **electrical injury** or **death from electrical injury** is connected with the circumstances of a person's relevant service is:
 - (a) having exposure to electrical current before the clinical onset of electrical injury; or
 - (b) inability to obtain appropriate clinical management for electrical injury.

Factors that apply only to material contribution or aggravation

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

"death from electrical injury" in relation to a person includes death from a terminal event or condition that was contributed to by the person's electrical injury;

"exposure to electrical current" means the flow of electrical current through the human body from an external man-made source, from being struck by lightning or from being in the immediate vicinity of a lightning strike. This definition includes electrical current generated from an implanted electrical device. This definition excludes electrical current induced by external electromagnetic radiation in the form of eddy currents and displacement current, and electrical current induced by electrostatic phenomena;

"ICD-10-AM code" means a number assigned to a particular kind of injury or disease in The International Statistical Classification of Diseases and Related Health Problems, 10th Revision, Australian Modification (ICD-10-AM), Sixth Edition, effective date of 1 July 2008, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 016 6;

"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
- (e) 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 6 May 2009.

Dated this **twenty-fourth** day of
 April 2009

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

KEN DONALD
CHAIRPERSON