

Statement of Principles
concerning

ACCIDENTAL HYPOTHERMIA

No. 18 of 2010

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 accidental hypothermia No. 18 of 2010.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No. 377 of 1995 concerning accidental hypothermia; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **accidental hypothermia** and **death from accidental hypothermia**.
 - (b) For the purposes of this Statement of Principles, "**accidental hypothermia**" means the unintentional lowering of core body temperature to 35° Celsius or lower due to exposure to cold environmental temperature, in an individual without a primary disturbance of thermoregulation. This definition excludes intentionally induced hypothermia and hypothermia due to a toxicologic or pharmacologic cause.
 - (c) Accidental hypothermia attracts ICD-10-AM code T68.
 - (d) In the application of this Statement of Principles, the definition of "**accidental hypothermia**" 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 **accidental hypothermia** and **death from accidental hypothermia** 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, **accidental hypothermia** or **death from accidental hypothermia** is connected with the circumstances of a person's relevant service is:
 - (a) being exposed to low environmental temperature at the time of the clinical onset of accidental hypothermia; or
 - (b) inability to obtain appropriate clinical management for accidental hypothermia.

Factors that apply only to material contribution or aggravation

7. Paragraph **6(b)** applies only to material contribution to, or aggravation of, accidental hypothermia where the person's accidental hypothermia 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 accidental hypothermia" in relation to a person includes death from a terminal event or condition that was contributed to by the person's accidental hypothermia;

"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 10 March 2010.

Dated this **first** day of **March**
2010

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

KEN DONALD
CHAIRPERSON