



Australian Government
Repatriation Medical Authority

Statement of Principles concerning

SPRAIN AND STRAIN

No. 95 of 2011

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 sprain and strain No. 95 of 2011.

Determination

2. The Repatriation Medical Authority under subsection **196B(3)** and **(8)** of the *Veterans' Entitlements Act 1986* (the VEA):
 - (a) revokes Instrument No.70 of 2010 concerning acute sprain and acute strain; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **sprain and strain** and **death from sprain and strain**.
 - (b) For the purposes of this Statement of Principles:

"sprain" means an injury involving the tearing or stretching of one or more joint ligaments, associated with the onset of pain and tenderness at that site within the 24 hours following the injury, and with or without swelling, bruising or loss of functional ability. This definition includes complete tear or rupture of a ligament. This definition excludes

recurrent sprain due to joint instability and degenerative disease of joints or ligaments; and

"strain" means an injury involving the tearing or stretching of a muscle or tendon, associated with the onset of pain and tenderness at that site within the 24 hours following the injury, and with or without swelling, muscle spasm or loss of functional ability. This definition includes complete tear or rupture of a muscle or tendon. This definition excludes drug-induced or degenerative disease of tendons or muscles.

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 **sprain or strain** and **death from sprain or strain** 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, **sprain or strain** or **death from sprain or strain** is connected with the circumstances of a person's relevant service is:
 - (a) experiencing a significant physical force applied to or through the affected joint, at the time of the clinical onset of a sprain to that joint ligament; or
 - (b) forceful stretching or high intensity use of a muscle or tendon at the time of the clinical onset of a strain to that muscle or tendon; or
 - (c) experiencing a significant physical force applied to or through the affected joint, at the time of the clinical worsening of a sprain to that joint ligament; or
 - (d) forceful stretching or high intensity use of a muscle or tendon at the time of the clinical worsening of a strain to that muscle or tendon; or
 - (e) inability to obtain appropriate clinical management of sprain or strain.

Factors that apply only to material contribution or aggravation

7. Paragraphs 6(c) to 6(e) apply only to material contribution to, or aggravation of, sprain or strain where the person's sprain or strain 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 sprain or strain" in relation to a person includes death from a terminal event or condition that was contributed to by the person's sprain or strain;

"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 31 August 2011.

Dated this *nineteenth* day of *August* 2011

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

KEN DONALD
CHAIRPERSON