



Australian Government
Repatriation Medical Authority

Statement of Principles concerning HEAT-INDUCED BURN (Reasonable Hypothesis) (No. 1 of 2024)

The Repatriation Medical Authority determines the following Statement of Principles under subsection 196B(2) of the *Veterans' Entitlements Act 1986*.

Dated 22 December 2023.

The Common Seal of the
Repatriation Medical Authority
was affixed to this instrument
at the direction of:

Professor Terence Campbell AM
Chairperson

Contents

1 Name3

2 Commencement3

3 Authority3

4 Repeal3

5 Application.....3

6 Definitions.....3

7 Kind of injury, disease or death to which this Statement of Principles relates.....3

8 Basis for determining the factors4

9 Factors that must exist4

10 Relationship to service5

11 Factors referring to an injury or disease covered by another Statement of Principles.....5

Schedule 1 - Dictionary6

1 Definitions.....6

1 Name

This is the Statement of Principles concerning *heat-induced burn (Reasonable Hypothesis)* (No. 1 of 2024).

2 Commencement

This instrument commences on 22 January 2024.

3 Authority

This instrument is made under subsection 196B(2) of the *Veterans' Entitlements Act 1986*.

4 Repeal

The Statement of Principles concerning external burn No. 110 of 2015 (Federal Register of Legislation No. F2015L01330) made under subsections 196B(2) and (8) of the VEA is repealed.

5 Application

This instrument applies to a claim to which section 120A of the VEA or section 338 of the *Military Rehabilitation and Compensation Act 2004* applies.

6 Definitions

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

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

- (1) This Statement of Principles is about heat-induced burn and death from heat-induced burn.

*Meaning of **heat-induced burn***

- (2) For the purposes of this Statement of Principles, heat-induced burn:
- (a) means an injury to the skin and external body covering tissues due to transfer of energy into the tissue with external contact with flame, or heat; and
 - (b) includes burns of deep tissues and organs that are part of a multiple burn injury that includes injury to the skin and external body covering tissues; and
 - (c) excludes:
 - (i) freezing cold injury (frostbite);
 - (ii) electrical contact or electrical flash burns (electrical injury);

- (iii) chemical burns;
- (iv) radiation burns due to ionising radiation;
- (v) isolated retinal burn of the eye;
- (vi) photocontact dermatitis;
- (vii) friction burns (abrasion); and
- (viii) isolated burn of the internal body organs such as the respiratory tract, gastrointestinal tract and internal genitourinary tract.

Note 1: flame and heat burns may include the effects of incendiary devices such as white phosphorous grenades and rockets.

Note 2: heat-induced burn may include a systemic response of the body with systemic inflammation and vascular shock.

Death from heat-induced burn

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

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

8 Basis for determining the factors

The Repatriation Medical Authority is of the view that there is sound medical-scientific evidence that indicates that heat-induced burn and death from heat-induced burn can be related to relevant service rendered by veterans, members of Peacekeeping Forces, or members of the Forces under the VEA, or members under the MRCA.

Note: *MRCA*, *relevant service* and *VEA* are defined in the Schedule 1 – Dictionary.

9 Factors that must exist

At least one of the following factors must as a minimum exist before it can be said that a reasonable hypothesis has been raised connecting heat-induced burn or death from heat-induced burn with the circumstances of a person's relevant service:

- (1) having exposure to a heat source sufficient to cause at least erythema at the affected area of the body at the time of the clinical onset of heat-induced burn;
- (2) having exposure to high intensity, focussed ultrasound sufficient to cause at least erythema at the affected area of the body at the time of the clinical onset of heat-induced burn;
- (3) having exposure to ultraviolet radiation sufficient to cause at least erythema at the affected area of the body at the time of the clinical onset of heat-induced burn;

Note: Some examples of potential ultraviolet radiation exposure include sun exposure, electric welding arc exposure, and PUVA therapy for skin conditions.

- (4) having exposure to solar radiation sufficient to cause at least erythema at the affected area of the body at the time of the clinical onset of heat-induced burn;
- (5) having laser applied, sufficient to cause at least erythema, at the affected area of the body at the time of the clinical onset of heat-induced burn;
- (6) having exposure to infrared radiation sufficient to cause at least erythema at the affected area of the body at the time of the clinical onset of heat-induced burn;
- (7) having exposure to radiofrequency or microwave radiation sufficient to cause at least erythema at the affected area of the body at the time of the clinical onset of heat-induced burn;
- (8) inability to obtain appropriate clinical management for heat-induced burn before the clinical worsening of heat-induced burn.

10 Relationship to service

- (1) The existence in a person of any factor referred to in section 9, must be related to the relevant service rendered by the person.
- (2) The factor set out in subsection 9(8) applies only to material contribution to, or aggravation of, heat-induced burn where the person's heat-induced burn was suffered or contracted before or during (but did not arise out of) the person's relevant service.

11 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 9 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(2) 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 6

1 Definitions

In this instrument:

heat-induced burn—see subsection 7(2).

MRCA means the *Military Rehabilitation and Compensation Act 2004*.

relevant service means:

- (a) operational service under the VEA;
- (b) peacekeeping service under the VEA;
- (c) hazardous service under the VEA;
- (d) British nuclear test defence service under the VEA;
- (e) warlike service under the MRCA; or
- (f) non-warlike service under the MRCA.

Note: ***MRCA*** and ***VEA*** are 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*.