



**Australian Government**  
**Repatriation Medical Authority**

**Statement of Principles**  
**concerning**  
**SUDDEN UNEXPLAINED DEATH**  
**(Balance of Probabilities)**  
**(No. 46 of 2022)**

---

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

Dated 29 April 2022

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

Professor Terence Campbell AM  
Chairperson

# Contents

1	Name .....	3
2	Commencement .....	3
3	Authority .....	3
4	Repeal .....	3
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 factors .....	4
9	Factors that must exist.....	4
10	Relationship to service.....	5
11	Factors referring to an injury or disease covered by another Statement of Principles .....	5
<b>Schedule 1 - Dictionary .....</b>		<b>6</b>
1	Definitions .....	6

**1 Name**

This is the Statement of Principles concerning *sudden unexplained death (Balance of Probabilities)* (No. 46 of 2022).

**2 Commencement**

This instrument commences on 30 May 2022.

**3 Authority**

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

**4 Repeal**

The Statement of Principles concerning sudden unexplained death No. 58 of 2013 (Federal Register of Legislation No. F2013L01646) made under subsection 196B(3) of the VEA is repealed.

**5 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.

**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 sudden unexplained death.

*Meaning of sudden unexplained death*

(2) For the purposes of this Statement of Principles, sudden unexplained death:

- (a) means death without evidence of disease or injury which could account for the death, and within 24 hours of first onset of symptoms or signs; and
- (b) includes death delayed beyond 24 hours because of life support by mechanical devices.

Note: In cases of sudden unexplained death there will be a final death certificate to the effect that a cause of death cannot be determined.

(3) While sudden unexplained death attracts ICD-10-AM code R96, in applying this Statement of Principles the meaning of sudden unexplained death is that given in subsection (2).

- (4) For subsection (3), a reference to an ICD-10-AM code is a reference to the code assigned to a particular kind of injury or disease in *The International Statistical Classification of Diseases and Related Health Problems, Tenth Revision, Australian Modification (ICD-10-AM)*, Tenth Edition, effective date of 1 July 2017, copyrighted by the Independent Hospital Pricing Authority, ISBN 978-1-76007-296-4.

## 8 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 sudden unexplained death can be related to relevant service rendered by veterans 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 exist before it can be said that, on the balance of probabilities, sudden unexplained death is connected with the circumstances of a person's relevant service:

- (1) experiencing a major, stressful event that causes an intense emotional or psychological response, within the 24 hours before the sudden unexplained death;

Note: Examples of major, stressful events that can cause an intense emotional or psychological response include an event that involves a direct threat to the person's life, and being assaulted, including sexual assault.

- (2) undertaking a bout of intense physical activity of at least 5 METs within the 24 hours before the sudden unexplained death;

Note: *MET* is defined in the Schedule 1 - Dictionary.

- (3) receiving a blow to the chest immediately before the sudden unexplained death;

Note: *blow to the chest* is defined in the Schedule 1 - Dictionary.

- (4) having a BMI of 35 or greater at the time of the sudden unexplained death;

Note: *BMI* is defined in the Schedule 1 - Dictionary.

- (5) having diabetes mellitus at the time of the sudden unexplained death;
- (6) having epilepsy at the time of the sudden unexplained death;
- (7) having hypertension at the time of the sudden unexplained death;
- (8) having a blood alcohol content of at least 0.15 percent at the time of the sudden unexplained death;
- (9) taking a drug that prolongs the corrected QT interval within the 7 days before the sudden unexplained death;

Note: Many drugs can prolong the corrected QT interval. Examples of drug classes that can prolong the corrected QT interval include anti-arrhythmics, antihistamines, antibiotics, antifungals, diuretics, antidepressants, antipsychotics, opiates and anticancer agents.

- (10) taking cocaine within the 24 hours before the sudden unexplained death.

## **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.

## **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(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 6

## 1 Definitions

In this instrument:

***blow to the chest*** means a blunt, forceful, non-penetrating blow to the anterior chest.

Note: Examples of situations that could involve a blow to the chest include assault, gunshot impact while wearing body armour, and sporting activities such as football, hockey, cricket and rugby.

***BMI*** means body mass index and is calculated as follows:

BMI =  $W/H^2$  where:

- (a) W is the person's weight in kilograms; and
- (b) H is the person's height in metres.

***MET*** means a unit of measurement of the level of physical exertion. 1 MET = 3.5 ml of oxygen/kg of body weight per minute, 1.0 kcal/kg of body weight per hour, or resting metabolic rate.

***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.

***sudden unexplained death***—see subsection 7(2).

***VEA*** means the *Veterans' Entitlements Act 1986*.