Safety, Rehabilitation and Compensation (Catastrophic Injury) Rules 2018

I, CRAIG LAUNDY, Minister for Small and Family Business, the Workplace and Deregulation, make the following rules.

Dated 22/8/18

CRAIG LAUNDY
Minister for Small and Family Business, the Workplace and Deregulation
## Contents

1 Name .................................................................................................................................. 2
2 Commencement ..................................................................................................................... 2
3 Authority ................................................................................................................................ 2
4 Application ............................................................................................................................. 2
5 Definitions ............................................................................................................................... 2
6 Conditions of a catastrophic injury ....................................................................................... 2
7 Catastrophic spinal cord injury .............................................................................................. 2
8 Catastrophic brain injury ......................................................................................................... 3
9 Catastrophic amputation injury .............................................................................................. 3
10 Catastrophic burn injury ......................................................................................................... 4
11 Catastrophic blindness injury ................................................................................................. 4

**Schedule 1—FIM™ score sheet**

i
1 Name

This instrument is the Safety, Rehabilitation and Compensation (Catastrophic Injury) Rules 2018.

2 Commencement

This instrument commences the day after it is registered on the Federal Register of Legislation.

3 Authority

This instrument is made under section 122A of the Act.

4 Application

This instrument applies to an injury suffered by an employee whether the injury was suffered before, on, or after the commencement of this instrument.

5 Definitions

In this instrument:


injury means an injury in respect of which compensation is payable under the Act.

6 Conditions of a catastrophic injury

For the purposes of the definition of catastrophic injury in subsection 4(1) of the Act, an injury is a catastrophic injury if one or more of the following conditions are satisfied:

(a) the injury is a catastrophic spinal cord injury; or
(b) the injury is a catastrophic brain injury; or
(c) the injury is a catastrophic amputation injury; or
(d) the injury is a catastrophic burn injury; or
(e) the injury is a catastrophic blindness injury.

7 Catastrophic spinal cord injury

An injury is a catastrophic spinal cord injury if it is a lesion of the spinal cord or cauda equina which results in one or more of the following:

(a) sensory deficit; or
(b) motor deficit; or
(c) bladder dysfunction; or
(d) bowel dysfunction.
8 Catastrophic brain injury

An injury is a **catastrophic brain injury** if it is a brain injury which results in:
(a) impairment of cognitive, physical or psychosocial functions; and
(b) impairment assessed at a score of 5 or less on any of the items on the FIM™ score sheet at Schedule 1; and
(c) one or both of the following:
   (i) a period of post traumatic amnesia of at least 7 days; or
   (ii) a significant brain imaging abnormality.

Note: The FIM™ (Functional Independence Measure) is a basic indicator of severity of functional limitation.

9 Catastrophic amputation injury

**Single injury**

(1) An injury is a **catastrophic amputation injury** if:
(a) the injury results in at least one of the following:
   (i) a forequarter amputation; or
   (ii) a shoulder disarticulation; or
   (iii) if the injury is a brachial plexus avulsion injury—no residual functioning in the upper extremity; or
   (iv) a hindquarter amputation; or
   (v) a hip disarticulation; or
   (vi) if the injury is a lumbar plexus avulsion injury—no residual functioning in the lower extremity; or
   (vii) an amputation involving the loss of 65% or more of the length of the femur; or
(b) the injury results in at least two of the following:
   (i) loss of 50% or more of the length of the tibia of the left leg; or
   (ii) loss of 50% or more of the length of the tibia of the right leg; or
   (iii) loss of the thumb of the left hand at or above the first metacarpophalangeal joint; or
   (iv) loss of the thumb of the right hand at or above the first metacarpophalangeal joint.

**Multiple injuries**

(2) An injury is a **catastrophic amputation injury** if:
(a) the injury results in any one of the losses specified in paragraph (1)(b); and
(b) prior to the employee suffering the injury, the employee suffered an injury to a different limb or limbs (the **earlier injury**); and
(c) the earlier injury:
   (i) satisfies the conditions for a **catastrophic amputation injury** in subsection (1); or
   (ii) results in any one of the losses specified in paragraph (1)(b).
(3) For the avoidance of doubt, the earlier injury mentioned in subparagraph (2)(c)(ii) is not a **catastrophic amputation injury** unless the earlier injury satisfies the conditions for a **catastrophic amputation injury** in subsection (1) or (2).

10 **Catastrophic burn injury**

An injury is a **catastrophic burn injury** if it results in impairment assessed at a score of 5 or less on any of the items on the FIM™ score sheet at Schedule 1, and the injury is one or both of the following:

(a) full thickness burns:
   (i) for an employee aged 16 years or above at the time of the injury—greater than 40% of the total body surface area; or
   (ii) for an employee aged under 16 years at the time of the injury—greater than 30% of the total body surface area; or
   (iii) to the hands, face or genital area; or

(b) inhalation burns resulting in vital capacity or forced expiratory volume in one second which is less than 50% of that predicted for the employee’s age, height and ethnicity.

**Note:** The FIM™ (Functional Independence Measure) is a basic indicator of severity of functional limitation.

11 **Catastrophic blindness injury**

An injury is a **catastrophic blindness injury** if it results in one or more of the following:

(a) visual acuity after correction by suitable lenses of less than 6/60 in both eyes; or

(b) constriction to within 10 degrees of fixation in the better eye irrespective of corrected visual acuity; or

(c) a combination of visual defects resulting in the same degree of visual impairment as that specified in subsection (a) or (b).

**Note:** An employee would have visual acuity of 6/60 if the employee is only able to see at a distance of 6 metres a symbol which a person with normal vision could see at a distance of 60 metres.
## Schedule 1—FIM™ score sheet

<table>
<thead>
<tr>
<th>Item</th>
<th>Score</th>
<th>Is score due to the injury?</th>
<th>Reasons for score</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SELF CARE</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Eating</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td>2. Grooming</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td>3. Bathing</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td>4. Dressing – upper body</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td>5. Dressing – lower body</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td><strong>SPHINCTER CONTROL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Toileting</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td>7. Bladder management</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td>8. Bowel management</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td><strong>Self-care subtotal</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TRANSFERS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Bed / Chair / Wheelchair</td>
<td></td>
<td>□ Yes □ No</td>
<td>Mode: W – Walk</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>C – Wheelchair</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>B – Both</td>
</tr>
<tr>
<td>10. Toilet</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td>11. Bath / Shower</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td><strong>LOCOMOTION</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Walk / Wheelchair</td>
<td></td>
<td>□ Yes □ No</td>
<td>Mode: W – Walk</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>C – Wheelchair</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>B – Both</td>
</tr>
<tr>
<td>13. Stairs</td>
<td></td>
<td>□ Yes □ No</td>
<td></td>
</tr>
<tr>
<td><strong>Mobility subtotal</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### COMMUNICATION

<table>
<thead>
<tr>
<th>14. Comprehension</th>
<th>□ Yes □ No</th>
<th>Mode: A – Auditory V – Visual C – Both</th>
</tr>
</thead>
<tbody>
<tr>
<td>15. Expression</td>
<td>□ Yes □ No</td>
<td>Mode: A – Auditory V – Visual C – Both</td>
</tr>
</tbody>
</table>

### SOCIAL COGNITION

<table>
<thead>
<tr>
<th>16. Social interaction</th>
<th>□ Yes □ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. Problem solving</td>
<td>□ Yes □ No</td>
</tr>
<tr>
<td>18. Memory</td>
<td>□ Yes □ No</td>
</tr>
</tbody>
</table>

Cognition subtotal

### FIM™ TOTAL SCORE

Administered by:  
FIM™ credentialed: □ Yes □ No  
Qualification:  
Date of assessment:

### FIM™ LEVELS

**No helper**

- 7 Complete independence (Timely, Safely)
- 6 Modified independence (Device)

**Helper – Modified Dependence**

- 5 Supervision (Subject = 100%)
- 4 Minimal assistance (Subject = 75% or more)
- 3 Moderate assistance (Subject = 50% or more)

**Helper – Complete Dependence**

- 2 Maximal assistance (Subject = 25% or more)
- 1 Total assistance (Subject less than 25%)

FIM is a trademark of Uniform Data System for Medical Rehabilitation, a division of UB Foundation Activities, Inc. AROC (the Australasian Rehabilitation Outcomes Centre) holds the territory licence for the FIM in Australia.