

Statement of Principles
concerning

**POISONING AND TOXIC REACTION FROM
PLANTS AND FUNGI**

No. 85 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 poisoning and toxic reaction from plants and fungi No. 85 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. 165 of 1995 concerning poisoning and toxic reaction from plants; and
 - (b) determines in its place this Statement of Principles.

Kind of injury, disease or death

3.
 - (a) This Statement of Principles is about **poisoning and toxic reaction from plants and fungi** and **death from poisoning and toxic reaction from plants and fungi**.
 - (b) For the purposes of this Statement of Principles, "**poisoning and toxic reaction from plants and fungi**" means experiencing the toxic effects of the poison of a plant or fungus. This definition includes the toxic effects of mushrooms, berries, other plants consumed as food, mycotoxins that contaminate food (such as aflatoxin, ergot), herbs, traditional herbal medicines, *Cannabis sativa*, opium poppy (*Papaver somniferum*), or nettle. This

definition excludes contact dermatitis, and the effects of pharmaceuticals, cosmetics, toiletries, alcohol or commercially manufactured tobacco.

- (c) Poisoning and toxic reaction from plants and fungi attracts ICD-10-AM code T62.0, T62.1, T62.2, T64, T65.0 or T57.3.
- (d) In the application of this Statement of Principles, the definition of "**poisoning and toxic reaction from plants and fungi**" 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 **poisoning and toxic reaction from plants and fungi** and **death from poisoning and toxic reaction from plants and fungi** 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, **poisoning and toxic reaction from plants and fungi** or **death from poisoning and toxic reaction from plants and fungi** is connected with the circumstances of a person's relevant service is:
 - (a) inhaling, ingesting or having cutaneous contact with the poison from a plant or fungus within the seven days before the clinical onset of poisoning and toxic reaction from that plant or fungus; or
 - (b) ingesting milk, milk products or meat from animals that ingested the plant *Eupatorium rugosum* (white snakeroot) within the two weeks before the clinical onset of poisoning and toxic reaction from that plant; or
 - (c) inhaling, ingesting or having cutaneous contact with a plant containing a pyrrolizidine alkaloid within the two years before the clinical onset of poisoning and toxic reaction from that plant; or

- (d) inability to obtain appropriate clinical management for poisoning and toxic reaction from a plant or fungus.

Factors that apply only to material contribution or aggravation

7. Paragraph 6(d) applies only to material contribution to, or aggravation of, poisoning and toxic reaction from plants and fungi where the person's poisoning and toxic reaction from plants and fungi 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:

"a plant containing a pyrrolizidine alkaloid" means a plant that contains a pyrrolizidine alkaloid that may result in veno-occlusive liver damage of delayed onset, and includes *Amsinckia* species, *Borago officinalis*, *Crotalaria* species, *Cynoglossum officinale*, *Echium lycopsis*, *Heliotropium* species, *Senecio* species, or *Symphytum officinale*;

"death from poisoning and toxic reaction from plants and fungi" in relation to a person includes death from a terminal event or condition that was contributed to by the person's poisoning and toxic reaction from plants and fungi;

"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), Seventh Edition, effective date of 1 July 2010, copyrighted by the National Centre for Classification in Health, Sydney, NSW, and having ISBN 978 1 74210 154 5;

"poison" means any substance which, when relatively small amounts are ingested, inhaled, absorbed, applied upon, injected into, or developed within the body, has chemical action that may cause damage to the body's structure or disturbance of function. It is also known as a toxin;

"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 November 2010.

Dated this **twenty-seventh** day of
October 2010

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

KEN DONALD
CHAIRPERSON