Commonwealth Coat of Arms

**Statement of Principles concerning allergic contact dermatitis (Reasonable Hypothesis) (No. 1 of 2021)**

made under subsection 196B(2) of the

Veterans' Entitlements Act 1986

**Compilation No. 1**

**Compilation date:** 19 September 2022

**Includes amendments up to:** Amendment Statement of Principles concerning allergic contact dermatitis (Reasonable Hypothesis) (No. 88 of 2022) (F2022L01112)

The day of commencement of this Amendment Statement of Principles concerning allergic contact dermatitis is 19 September 2022.

**About this compilation**

**This compilation**

This is a compilation of the *Statement of Principles concerning allergic contact dermatitis (Reasonable Hypothesis) (No. 1 of 2021)* that shows the text of the law as amended and in force on 19 September 2022.

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

1 Name 2

3 Authority 2

5 Application 2

6 Definitions 2

7 Kind of injury, disease or death to which this Statement of Principles relates 2

8 Basis for determining the factors 3

9 Factors that must exist 3

10 Relationship to service 4

11 Factors referring to an injury or disease covered by another Statement of Principles 4

**Schedule 1 - Dictionary 5**

1 Definitions 5

Endnotes 7

Endnote 1—About the endnotes 7

Endnote 2—Abbreviation key 8

Endnote 3—Legislation history 9

Endnote 4—Amendment history 10

1. Name

This is the Statement of Principles concerning *allergic contact dermatitis* *(Reasonable Hypothesis)* (No. 1 of 2021).

1. Authority

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

1. 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.

1. Definitions

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

1. Kind of injury, disease or death to which this Statement of Principles relates
   1. This Statement of Principles is about allergic contact dermatitis and death from allergic contact dermatitis.

Meaning of **allergic contact dermatitis**

* 1. For the purposes of this Statement of Principles, allergic contact dermatitis:
     1. means inflammation of an area of the skin from exposure to an allergen that has been applied to the same area of skin; and
     2. is a cell-mediated delayed-type hypersensitivity reaction due to contact with a substance to which the individual has previously been sensitised; and
     3. includes allergic contact dermatitis that is due to cutaneous exposure from airborne allergens; and
     4. excludes:
        1. atopic dermatitis (eczema);
        2. irritant contact dermatitis;
        3. local skin hypersensitivity associated with metal implants;
        4. photocontact dermatitis;
        5. systemic allergic dermatitis; and
        6. urticaria.

Note: Allergic contact dermatitis typically presents as an eczema-like rash on skin exposed to the allergen, including the skin of the lips (allergic contact cheilitis), around the mouth and the eyelids.

* 1. While allergic contact dermatitis attracts ICD‑10‑AM code L23, in applying this Statement of Principles the meaning of allergic contact dermatitis is that given in subsection (2).
  2. 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.

Death from **allergic contact dermatitis**

* 1. For the purposes of this Statement of Principles, allergic contact dermatitis,in relation to a person, includes death from a terminal event or condition that was contributed to by the person's allergic contact dermatitis.

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

1. Basis for determining the factors

The Repatriation Medical Authority is of the view that there is sound medical‑scientific evidence that indicates that allergic contact dermatitis and death from allergic contact dermatitis 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.

1. 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 allergic contact dermatitis or death from allergic contact dermatitis with the circumstances of a person's relevant service:

* 1. having the affected area of skin exposed to an allergen within the two weeks before the clinical onset of allergic contact dermatitis;

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

Note 2: Cross-sensitisation may occur between allergens.

(1A) having a sensitising exposure to an allergen before the clinical onset of allergic contact dermatitis;

Note: ***sensitising exposure to an allergen*** is defined in the Schedule 1 – Dictionary.

* 1. having the affected area of skin exposed to an allergen within the two weeks before the clinical worsening of allergic contact dermatitis;

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

Note 2: Cross-sensitisation may occur between allergens.

* 1. inability to obtain appropriate clinical management for allergic contact dermatitis.

1. 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 factors set out in subsections 9(2) to 9(3) apply only to material contribution to, or aggravation of, allergic contact dermatitis where the person's allergic contact dermatitis was suffered or contracted before or during (but did not arise out of) the person's relevant service.
2. 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:

* + 1. ***allergen*** means a substance which, when present in an area of skin, is capable of producing an immune response and inflammation. Examples of allergens include:
       1. balsam of Peru (found in topical medicines such as haemorrhoid ointment and personal care products);
       2. basic red dye in socks or flame retardant material;
       3. bufexamac (a nonsteroidal anti-inflammatory drug found in first aid creams);
       4. chromium in cement or boots;
       5. disperse dyes in uniforms;
       6. epoxy resin in flying masks or araldite adhesive;
       7. formaldehyde or formaldehyde releasers (including quaternium- 15);
       8. fragrances (found in personal care products and disinfectants);
       9. fuels or oils;
       10. nickel in uniform buttons;
       11. rubber accelerators (including thiurams in gloves);
       12. tea tree oil;
       13. topical benzocaine; and
       14. topical neomycin.
    2. ***allergic contact dermatitis***—see subsection 7(2).
    3. ***MRCA*** means the *Military Rehabilitation and Compensation Act 2004*.
    4. ***relevant service*** means:
       1. operational service under the VEA;
       2. peacekeeping service under the VEA;
       3. hazardous service under the VEA;
       4. British nuclear test defence service under the VEA;
       5. warlike service under the MRCA; or
       6. non-warlike service under the MRCA.

Note: ***MRCA*** and ***VEA*** are also defined in the Schedule 1 - Dictionary.

* + 1. ***sensitising exposure to an allergen*** means an exposure to an allergen without the occurrence of symptoms, where the clinical onset of allergic contact dermatitis occurs within the two weeks of a subsequent exposure to the same allergen.

Note: The initial sensitising exposure to an allergen may be either systemic or cutaneous and may have occurred months to years before the re-exposure that has resulted in the contact dermatitis.

* + 1. ***terminal event*** means the proximate or ultimate cause of death and includes the following:
       1. pneumonia;
       2. respiratory failure;
       3. cardiac arrest;
       4. circulatory failure; or
       5. cessation of brain function.
    2. ***VEA*** means the *Veterans' Entitlements Act 1986*

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
|  | o = order(s) |
| ad = added or inserted | Ord = Ordinance |
| am = amended | orig = original |
| amdt = amendment | par = paragraph(s)/subparagraph(s) |
| c = clause(s) | /sub‑subparagraph(s) |
| C[x] = Compilation No. x | pres = present |
| Ch = Chapter(s) | prev = previous |
| def = definition(s) | (prev…) = previously |
| Dict = Dictionary | Pt = Part(s) |
| disallowed = disallowed by Parliament | r = regulation(s)/rule(s) |
| Div = Division(s) |  |
| exp = expires/expired or ceases/ceased to have | reloc = relocated |
| effect | renum = renumbered |
| F = Federal Register of Legislation | rep = repealed |
| gaz = gazette | rs = repealed and substituted |
| LA = *Legislation Act 2003* | s = section(s)/subsection(s) |
| LIA = *Legislative Instruments Act 2003* | Sch = Schedule(s) |
| (md) = misdescribed amendment can be given | Sdiv = Subdivision(s) |
| effect | SLI = Select Legislative Instrument |
| (md not incorp) = misdescribed amendment | SR = Statutory Rules |
| cannot be given effect | Sub‑Ch = Sub‑Chapter(s) |
| mod = modified/modification | SubPt = Subpart(s) |
| No. = Number(s) | underlining = whole or part not |
|  | commenced or to be commenced |

Endnote 3—Legislation history

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| *Statement of Principles concerning allergic contact dermatitis (Reasonable Hypothesis) (No. 1 of 2021)* | 6 January 2021  F2021L00032 | 25 January 2021 |  |
| *Amendment Statement of Principles concerning allergic contact dermatitis (Reasonable Hypothesis) (No. 88 of 2022)* | 26 August 2022  F2022L01112 | 19 September 2022 |  |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| Section 2………………. | rep LA s 48D |
| Section 4………………. | rep LA s 48C |
| Subsection 9(1)……….. | rs No. 88 of 2022 |
| Subsection 9(1A)……… | ad No. 88 of 2022 |
| Subsection 9(2)……….. | rs No. 88 of 2022 |
| Schedule 1 – Dictionary – sensitising exposure to an allergen………….. | ad. No. 88 of 2022 |