

Safety, Rehabilitation and Compensation (Defence-related Claims) (Specified Diseases and Employment) Instrument 2017

I, Michaelia Cash, Minister for Employment, make the following instrument.

Dated 3 October 2017

Michaelia Cash

Minister for Employment

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1 Name

This instrument is the *Safety, Rehabilitation and Compensation (Defence-related Claims) (Specified Diseases and Employment) Instrument 2017*.

2 Commencement

This instrument commences on the earlier of:

1. the day after this instrument is registered on the Federal Register of Legislation; and
2. 1 October 2017.

3 Authority

This instrument is made under paragraph 7(1)(b) of the *Safety, Rehabilitation and Compensation Act 1988*.

4 Definitions

In this instrument:

***Act*** means the *Safety, Rehabilitation and Compensation Act 1988*.

***disease*** has its ordinary meaning.

***substance*** means any natural or artificial substance, whether in the form of a solid, liquid, gas or vapour.

5 Application

This instrument applies in relation to a disease that an employee sustains on or after the day this instrument commences.

6 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

7 Specification

For the purposes of paragraph 7(1)(b) of the Act, a disease of a kind specified in column 1 of an item of the table in Schedule 1 is a disease related to employment of a kind specified in column 2 of that item.

Schedule 1—Specification

|  |  |  |
| --- | --- | --- |
|  | Column 1 | Column 2 |
| Item | Disease | Employment |
| Infectious diseases | |
|  | Anthrax | Employment involving work with:   1. animals; or 2. animal carcasses; or 3. animal parts. |
|  | Brucellosis | Employment involving work with:   1. animals; or 2. animal carcasses; or 3. animal parts; or 4. animal waste. |
|  | Hepatitis A | Employment involving work with human waste. |
|  | Hepatitis B or Hepatitis C | Employment involving work with human body fluids. |
|  | Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS) | Employment involving work with:   1. needles in a healthcare services setting; or 2. sharps in a healthcare services setting. |
|  | Leptospirosis | Employment involving work with:   1. animals; or 2. animal carcasses; or 3. animal parts; or 4. animal waste. |
|  | Orf | Employment involving work with:   1. goats; or 2. goat carcasses; or 3. sheep; or 4. sheep carcasses. |
|  | Q-fever | Employment involving work with:   1. animals; or 2. animal carcasses; or 3. animal parts. |
|  | Tuberculosis | Employment involving work with:   1. animals:   (i) in a farming setting; or  (ii) in a veterinarian setting; or   1. animal carcasses:   (i) in a farming setting; or  (ii) in a veterinarian setting; or   1. human corpses:   (i) in a healthcare services setting; or  (ii) in a mortuary setting; or   1. persons (individuals) in a healthcare services setting. |
| **Malignant diseases** | | |
|  | Primary malignant disease of the salivary gland | Employment for at least 5 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation. |
|  | Primary malignant disease of the nasopharynx | Employment for at least 5 years (whether consecutive or not) involving work with:   1. formaldehyde; or 2. wood. |
|  | Primary malignant disease of the oesophagus | Employment for at least 5 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation. |
|  | Primary malignant disease of the stomach | Employment for at least 5 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation. |
|  | Primary malignant disease of the colon or rectum | Employment for at least 5 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation. |
|  | Primary malignant disease of the liver | Employment for at least 5 years (whether consecutive or not) involving work with vinyl chloride monomer. |
|  | Primary malignant disease of the nasal cavity or para-nasal sinuses | Employment for at least 5 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation; or 3. nickel; or 4. leather; or 5. wood. |
|  | Primary malignant disease of the larynx | Employment for at least 5 years (whether consecutive or not) involving work with:   1. asbestos; or 2. asbestos-containing material; or 3. acid mist (strong inorganic). |
|  | Primary malignant disease of the lung caused by asbestos | Employment for at least 5 years (whether consecutive or not) involving work with:   1. asbestos; or 2. asbestos-containing material. |
|  | Primary malignant disease of the bone | Employment for at least 5 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation. |
|  | Primary malignant disease of the mesothelium | Employment for at least one year (whether consecutive or not) involving work with:   1. asbestos; or 2. asbestos-containing material. |
|  | Primary malignant disease of the breast | Employment for at least 5 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation. |
|  | Primary malignant disease of the ovary | Employment for at least 5 years (whether consecutive or not) involving work with:   1. asbestos; or 2. asbestos-containing material. |
|  | Primary malignant disease of the kidney | Employment for at least 5 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation; or 3. trichloroethylene. |
|  | Primary malignant disease of urothelial tissue lining the urinary tract | Employment for at least 5 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation; or 3. 2-naphthylamine; or 4. benzidine; or 5. cyclophosphamide; or 6. ortho-toluidine; or 7. polycyclic aromatic hydrocarbons during aluminium production. |
|  | Primary malignant disease of the brain | Employment for at least 5 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation. |
|  | Primary malignant disease of the thyroid | Employment for at least 5 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation. |
|  | Primary leukaemia (excluding chronic lymphatic leukaemia) | Employment for at least 2 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation; or 3. benzene; or 4. butadiene; or 5. cyclophosphamide; or 6. formaldehyde. |
|  | Primary non-Hodgkins lymphoma | Employment for at least 2 years (whether consecutive or not) involving work with:   1. equipment that produces ionising radiation; or 2. substances that emit ionising radiation. |
| **Diseases of the nervous system** | | |
|  | Parkinson’s disease | Employment for at least one year (whether consecutive or not) involving work with manganese. |
|  | Peripheral neuropathy | Employment for at least one year (whether consecutive or not) involving work with:   1. acrylamide; or 2. arsenic; or 3. carbon disulphide; or 4. lead; or 5. mercury; or 6. n-hexane; or 7. organophosphates; or 8. trichloroethylene. |
| **Respiratory diseases** | |
|  | Occupational asthma | Employment for at least 4 weeks (whether consecutive or not) involving work with an agent or thing specified in column 2 of an item of the table in Schedule 2. |
|  | Coal workers’ pneumoconiosis | Employment for at least 5 years (whether consecutive or not) involving work with coal. |
|  | Asbestosis | Employment for at least 5 years (whether consecutive or not) involving work with:   1. asbestos; or 2. asbestos-containing material. |
|  | Silicosis | Employment for at least 5 years (whether consecutive or not) involving work with:   1. material containing crystalline silica; or 2. silica. |
|  | Other pneumoconiosis | Employment for at least 5 years (whether consecutive or not) involving work with:   1. aluminium; or 2. barium; or 3. beryllium; or 4. cobalt; or 5. iron oxide; or 6. tin; or 7. tungsten. |
|  | Byssinosis | Employment for at least 4 weeks (whether consecutive or not) involving work with:   1. unprocessed cotton; or 2. unprocessed flax; or 3. unprocessed hemp; or 4. unprocessed sisal. |
|  | Extrinsic allergic alveolitis | Employment for at least 4 weeks (whether consecutive or not) involving work with:   1. feathers; or 2. grain; or 3. hay; or 4. straw. |
| **Hepatic disease** | | |
|  | Non-infectious hepatitis | Employment involving work with:   1. acrylonitrile; or 2. alcohols; or 3. amino-derivatives of benzene; or 4. antimony; or 5. aromatic hydrocarbons; or 6. arsenic; or 7. benzene; or 8. benzoquinone; or 9. beryllium; or 10. cadmium; or 11. carbon disulphide; or 12. carbon monoxide; or 13. chromium; or 14. copper; or 15. fluorine; or 16. glycols; or 17. hexane; or 18. hydrogen cyanide; or 19. hydrogen sulphide; or 20. ketones; or 21. lead; or 22. manganese; or 23. mercury; or 24. methylene chloride; or 25. mineral acids; or 26. nitric acid esters; or   (za) organochlorine compounds; or  (zb) organophosphate; or  (zc) osmium; or  (zd) oxides of nitrogen; or  (ze) ozone; or  (zf) phosgene; or  (zg) phosphorus; or  (zh) selenium; or  (zi) styrene; or  (zj) thallium; or  (zk) tin; or  (zl) toluene; or  (zm) toxic halogen derivatives of aliphatic; or  (zn) toxic nitro-derivatives of benzene; or  (zo) vanadium; or  (zp) zinc. |
| **Skin diseases** | |
|  | Irritant contact dermatitis | Employment for at least 4 weeks (whether consecutive or not) involving work and contact with:   1. alcohols; or 2. cutting fluids; or 3. cleaners; or 4. degreasers; or 5. disinfectants; or 6. liquids (frequent contact); or 7. liquids (prolonged contact); or 8. petroleum products; or 9. soaps; or 10. solvents. |
|  | Allergic contact dermatitis | Employment for at least 4 weeks (whether consecutive or not) involving work and contact with:   1. 2,5-diaminotoluene sulfate; or 2. 4-phenylenediamine base; or 3. ammonium persulfate; or 4. cobalt chloride; or 5. cocamide diethanolamide; or 6. coconut diethanolamide; or 7. colophonium/colophony/rosin; or 8. diazolidinyl urea; or 9. epoxy resin; or 10. formaldehyde; or 11. fragrance mix I:   (i) amylcinnamaldehyde; or  (ii) cinnamic alcohol; or  (iii) cinnamic aldehyde;  (iv) eugenol; or  (v) geraniol; or  (vi) hydroxycitronellal; or  (vii) isoeugenol; or  (viii) oakmoss absolute; or   1. fragrance mix II:   (i) citral; or  (ii) citronellol; or  (iii) coumarin; or  (iv) farnesol; or  (v) hexyl cinnamic aldehyde; or  (vi) hydroxyisohexyl 3-cyclohexene carboxaldehyde; or   1. glyceryl monothioglycolate; or 2. hydroxyethyl methacrylate; or 3. mercaptobenzothiazole; or 4. methyl chloroisothiazolinone; or 5. mixture of methylchloroisothiazolinone and methylisothiazolinone; or 6. nickel sulfate; or 7. potassium dichromate; or 8. quaternium 15; or 9. thiuram mix:   (i) tetramethylthiuramdisulfide; or  (ii) tetramethylthiuram monosulfide; or  (iii) tetraethylthiuram disulfide. |
|  | Occupational vitiligo | Employment for at least 4 weeks (whether consecutive or not) involving work with:   1. hydroquinone; or 2. monobenzyl ether of hydroquinone; or 3. monobutyl ether of hydroquinone; or 4. para-amylphenol; or 5. para-tertiary-butylcatechol; or 6. para-tertiary-butylphenol. |
| **Musculoskeletal diseases** | | |
|  | Raynaud’s disease | Employment for at least 12 weeks (whether consecutive or not) involving work with:   1. powered equipment that produces vibration; or 2. powered tools that produce vibration. |
|  | Bursitis at the elbow or knee | Employment for at least 6 months (whether consecutive or not) involving a work activity that:   1. for bursitis at the elbow:   (i) involves prolonged external friction at or about the elbow; or  (ii) involves prolonged external pressure at or about the elbow; or  (iii) involves recurrent external friction at or about the elbow; or  (iv) involves recurrent external pressure at or about the elbow; or   1. for bursitis at the knee:   (i) involves prolonged external friction at or about the knee; or  (ii) involves prolonged external pressure at or about the knee; or  (iii) involves recurrent external friction at or about the knee; or  (iv) involves recurrent external friction at or about the knee. |
| **Acute diseases** | | |
|  | Acute poisoning or toxicity affecting the heart, lungs, liver, kidney, nervous system or blood | The same as for item 38. |

Schedule 2—Occupational asthma

|  |  |  |
| --- | --- | --- |
|  | Column 1 | Column 2 |
| Item | Class of agent or thing | Specified agent or thing |
|  | Arthropods | 1. acarian; or 2. barn mite; or 3. caddisfly; or 4. cricket; or 5. *Ephestia kuehniella* (Mediterranean flour moth); or 6. fowl mite; or 7. fruit fly; or 8. grain mite; or 9. flour mite; or 10. lesser mealworm; or 11. locust; or 12. sheep blowfly; or 13. silkworm. |
|  | Acids | 1. dodecanedioic acid; or 2. glacial acetic acid; or 3. hydrochloric acid; or 4. peroxyacetic acid; or 5. sulphuric acid; or 6. sulphur dioxide. |
|  | Acrylates | 1. acrylic acid; or 2. cyanoacrylates; or 3. methyl methacrylate; or 4. polymethyl methacrylate; or 5. trimethylolpropane triacrylate/2-hydroxypropyl acrylate. |
|  | Aldehydes | 1. formaldehyde; or 2. gluteraldehyde; or 3. paraformaldehyde; or 4. urea formaldehyde. |
|  | Amines | 1. aminoethyl ethanolamine; or 2. diethanolamine; or 3. dimethylethanolamine; or 4. ethanolamines; or 5. ethylenediamine; or 6. monoethanolamine; or 7. surfactant-specific amines; or 8. triethanolamine; or 9. triethylenetetramine; or 10. trimethylhexane-1; or 11. 6-diamine/isophorondiamine mixture. |
|  | Ammonias | 1. anhydrous ammonia; or 2. ammonium hydroxide; or 3. ammonia solution 10%; or 4. ammonia solution 29%. |
|  | Anhydrides | 1. hexahydrophthalic anhydride; or 2. himic anhydride; or 3. maleic anhydride; or 4. methyl tetrahydrophthalic; or 5. anhydride; or 6. phthalic anhydride; or 7. tetrachlorophthalic anhydride; or 8. trimellitic anhydride. |
|  | Bio-aerosols | 1. *Alternaria*; or 2. *Chrysonilia sitophilia*; or 3. *Neurospora*; or 4. *Penicillium*; or 5. cutting oils. |
|  | Biological enzymes | 1. *Bacillus subtilis* enzymes; or 2. bromelain; or 3. egg lysozyme; or 4. esperase; or 5. flaviastase; or 6. fungal amylase; or 7. fungal amyloglucosidase; or 8. fungal hemicellulose; or 9. pancreatin; or 10. papain; or 11. pepsin; or 12. trypsin. |
|  | Epoxy | 1. epoxy; or 2. epoxy adhesive. |
|  | Ethylene oxide | ethylene oxide. |
|  | Flours | 1. buckwheat flour; or 2. rye flour; or 3. soya flour; or 4. wheat flour. |
|  | Flowers | 1. baby’s breath; or 2. freesia; or 3. *Limonium tataricum*; or 4. sunflower. |
|  | Foods | 1. Brazil ginseng; or 2. castor bean; or 3. chamomile; or 4. cinnamon; or 5. *Dioscorea batatas* (Chinese yam); or 6. egg protein; or 7. fenugreek; or 8. garlic dust; or 9. green beans; or 10. guar; or 11. hops; or 12. paprika; or 13. pectin; or 14. rose hips; or 15. soybean lecithin; or 16. tea; or 17. thiamine (vitamin B); or 18. thyme. |
|  | Industrial cleaning and sterilising agents | 1. alkyl dimethyl benzyl ammonium chloride; or 2. benzyl-C10-16-alkyldimethyl, chlorides; or 3. benzyl-C12-16-alkyldimethyl, chlorides; or 4. benzyl-C12-18-alkyldimethyl, chlorides; or 5. benzyl-C16-18-alkyldimethyl, chlorides; or 6. benzyldimethylstearyl ammonium chloride; or 7. cetalkonium chloride; or 8. chlorhexidine; or 9. chlorine; or 10. dialkyl methyl benzyl ammonium chloride; or 11. dicumyl-peroxide; or 12. dodecyl dimethyl ammonium chloride; or 13. dimethyl ethyl benzyl ammonium chloride; or 14. dodecyl-dimethylbenzylammonium; or 15. fluorine; or 16. n-alkyl dimethyl benzyl ammonium chloride; or 17. persulphate salts; or 18. sodium hypochlorite; or 19. sodium metabisulfite. |
|  | Isocyanates | 1. diisocyanates; or 2. hexamethylene diisocyanate prepolymers; or 3. isocyanates; or 4. toluene diisocyanate prepolymers. |
|  | Latex | 1. latex; or 2. natural rubber. |
|  | Medications | 1. ampicillin; or 2. amprolium; or 3. cimetidine; or 4. codeine; or 5. colistin; or 6. hydralazine; or 7. ipecacuanha; or 8. hydrocodone; or 9. isonicotinic acid hydrazide; or 10. methyldopa; or 11. morphine; or 12. opiate compounds; or 13. oxycodone; or 14. papaverine; or 15. penicillamine; or 16. penicillins; or 17. phenylglycine acid chloride; or 18. psyllium; or 19. salbutamol intermediate; or 20. spiramycin; or 21. tetracycline; or 22. thebaine; or 23. tylosin tartrate; or 24. vancomycin. |
|  | Metals | 1. aluminium; or 2. aluminium chloride; or 3. aluminium oxide; or 4. aluminium compounds; or 5. ammonium dichromate; or 6. ammonium hexachloroplatinate (IV); or 7. chromium; or 8. chromium, metal; or 9. chromium, hexavalent; or 10. chromium, non-hexavalent; or 11. cobalt; or 12. cobalt compounds; or 13. nickel; or 14. nickel compounds; or 15. platinum; or 16. rhodium; or 17. soluble halogenated platinum compounds; or 18. titanium oxide/dioxide; or 19. tributyl tin oxide; or 20. tungsten carbide; or 21. tungsten carbide/cobalt; or 22. vanadium; or 23. welding fumes – gas metal arc welding on uncoated mild steel; or 24. welding fumes – stainless steel; or 25. stainless steel; or 26. zinc oxide. |
|  | Other reactive chemicals | 1. chlorofluorocarbon refrigerants heated; or 2. fluoride; or 3. furfuryl alcohol mixed with a catalyst; or 4. isolyzer; or 5. polyethylene terephthalate/polybutylene terephthal; or 6. polyfunctional aziridine; or 7. polypropylene heated; or 8. polyvinyl chloride heated; or 9. polyvinyl chloride non-heated; or 10. polyvinyl chloride thermally degraded; or 11. radiographic fixative; or 12. resin containing furfuryl alcohol; or 13. styrene; or 14. trigylicidyl isocyanurate. |
|  | Pesticides | 1. 3-amino-5-mercapto-1;2;4-triazole; or 2. acephate; or 3. chloramine T; or 4. chlorothalonil (bravo, echo); or 5. diazinon; or 6. dimethoate; or 7. fenthion; or 8. malathion; or 9. nemacur; or 10. piperazine; or 11. piperazine citrate; or 12. piperazine hydrochloride; or 13. pyrethrins; or 14. pyrfon; or 15. safrotin; or 16. tetramethrin. |
|  | Plants and sensitising agents or irritants derived from plants | 1. almond dust; or 2. *Arabidopsis thaliana*; or 3. *Chlorella* algae; or 4. gum arabic; or 5. henna; or 6. kapok; or 7. linseed oilcake; or 8. *Pinellia ternata*; or 9. quillaja bark; or 10. rice dust; or 11. tall oil crude; or 12. tall oil – rosin; or 13. tobacco leaf; or 14. tragacanth; or 15. turpentine; or 16. *Vicia sativa* (vetch); or 17. weeping fig. |
|  | Reactive dyes | 1. Cibachrome Brilliant Scarlet 32; or 2. Drimarene Brilliant Blue K-BL; or 3. Drimarene Brilliant Yellow K-3GL; or 4. Lanasol Yellow 4G; or 5. Levafix Brilliant Yellow E36; or 6. Methyl Blue; or 7. Rifacion Orange HE 2G; or 8. Rifafix Yellow 3 RN; or 9. Rifazol Black GR; or 10. Rifazol Brilliant Orange 3R. |
|  | Sensitising agents or irritants derived from animals | 1. bat guano; or 2. bovine serum albumin; or 3. casein; or 4. cat antigens; or 5. chicken antigens; or 6. cow antigens; or 7. frog antigens; or 8. guinea pig antigens; or 9. lactoserum; or 10. mice antigens; or 11. pig antigens; or 12. rabbit antigens; or 13. rat antigens. |
|  | Sensitising agents or irritants derived from fish or shellfish | 1. *Anisakis simplex* (herring worm) antigens; or 2. clam antigens; or 3. crab antigens; or 4. cuttlefish antigens; or 5. fishmeal; or 6. nacre dust; or 7. octopus antigens; or 8. prawn antigens; or 9. red soft coral antigens; or 10. salmon antigens; or 11. shrimp meal; or 12. trout antigens. |
|  | Soldering fluxes | 1. colophony soldering flux; or 2. alkyl aryl polyether soldering flux; or 3. zinc soldering flux. |
|  | Wood | 1. *Triplochiton scleroxylon* (African maple); or 2. *Acacia melanoxylon* (blackwood); or 3. *Sequoia sempervirens* (California redwood); or 4. *Juglans olanchana* (Central American walnut); or 5. *Thuja occidentalis* (eastern white cedar); or 6. *Shoreal sp.* (mahogany); or 7. *Quercus robur* (oak); or 8. *Thuja lpicata* (western red cedar). |

Schedule 3—Repeals

Safety, Rehabilitation and Compensation (Specified Diseases) Notice 2007 (1)

1 The whole of the instrument

Repeal the instrument

Note: The name of this instrument was amended on registration as the instrument as lodged did not have a unique name (see subsection 10(2), *Legislation Rule 2016*).