

Seafarers Rehabilitation and Compensation (Specified Diseases and Employment) Instrument 2021

I, MICHAELIA CASH, Acting Minister for Industrial Relations, make the following instrument.

Dated 25 March 2021

MICHAELIA CASH

Acting Minister for Industrial Relations

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[*Seafarers Rehabilitation and Compensation Act 1992 - Notice of Declarations and Specifications (25/05/1993*](https://www.legislation.gov.au/Details/F2009B00136/Download)*)*

1 Name

This instrument is the *Seafarers Rehabilitation and Compensation (Specified Diseases and Employment) Instrument 2021*.

2 Commencement

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

3 Authority

This instrument is made under paragraph 10(1)(b) of the *Seafarers Rehabilitation and Compensation Act 1992*.

4 Definitions

In this instrument:

***Act*** means the *Seafarers Rehabilitation and Compensation Act 1992*.

***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 suffers 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 10(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.

8 Repeal

This instrument is repealed the day after the end of the period of 5 years beginning on the day this instrument commences.

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. |
|  | Malaria | Employment involving work in a region where malaria is endemic. |
| **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 three months (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; or 3. pentachlorophenol; or 4. lindane. |
|  | Cholangiocarcinoma | Employment for at least 5 years (whether consecutive or not) involving work with 1,2 Dichloropropane. |
|  | Ocular melanoma | Employment for at least 5 years (whether consecutive or not) involving work with welding (producing ultraviolet light). |
| **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 pressure 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

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| --- | --- | --- |
|  | 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**

Note: See section 6

***Seafarers Rehabilitation and Compensation Act 1992 – Notice of Declarations and Specifications (25/05/1993)***

1 The whole of the instrument

Repeal the instrument.