

222 Exhibition Street Melbourne VIC 3000
GPO Box 4306 Melbourne VIC 3001
Tel/ 03 9641 1555 Fax/ 03 9641 1222
worksafe.vic.gov.au

Date

Reference:

Committee Secretary
Senate Education, Employment and Workplace Relations Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600
Email: ewer.sen@aph.gov.au

Dear Committee Secretary,

Inquiry into the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011

WorkSafe Victoria notes with interest the Commonwealth ***Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011*** which provides that if Commonwealth firefighters contract certain types of cancer there will be a presumption that the illness is related to their service.

Victoria, like many of the other Australian State and Territory jurisdictions, provides a mechanism, under section 87 of the *Accident Compensation Act 1985* (Victoria), by which the Governor in Council may proclaim diseases in relation to places, processes or occupations. There are currently 25 proclaimed diseases.

If a claim is made for compensation for a proclaimed disease, then the disease is deemed to be due to the nature of the employment, so long as the worker has been employed in any place, process or occupation proclaimed.

Firefighters' cancers are not included as proclaimed diseases currently. However a firefighter, as is any worker whose disease is contracted in the course of his or her employment, is generally entitled to compensation under the *Accident Compensation Act 1985*.

The criteria for inclusion of a disease on the list of proclaimed diseases generally include:

- a strong causal link exists between the disease and occupational exposure;
- clear diagnostic indicators for the disease; and
- the instance of the disease in a particular place, process or occupation comprises a considerable proportion of the cases of that disease in the overall population or in an identifiable subset of the population.

Before WorkSafe Victoria could decide whether to seek to proclaim the cancers specified in the *Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011*, WorkSafe would need to consider, with medical expert input, the criteria described above.

WorkSafe would also need to obtain and consider actuarial costing of the financial impact of new claims if these cancers were proclaimed for firefighters, the impact on the overall accident compensation scheme and any possible need to raise employers' premiums. Consultation with affected stakeholders would also need to take place.

Harmonisation between the States and Territory jurisdictions on proclaimed diseases across all jurisdictions is generally seen as desirable, particularly for those workers and employers working or operating across borders, or in more than one jurisdiction generally.

Yours faithfully

Ian Forsyth
Acting Chief Executive
Victorian WorkCover Authority