



Our Ref: D-AA-24/9991

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Via email: consultation@workcover.wa.gov.au

SUBMISSION IN RESPONSE TO IMPLEMENTATION CONSULTATION PAPER 2: PRESUMPTIVE DISEASES

Thank you for the opportunity to provide a late submission in response to the *Implementation Consultation Paper 2: Presumptive Diseases*. As discussed with Mr Craig Donohue, in WorkCover's policy and legislation team, the Department of Health (Department) is concerned about the inclusion of Influenza A (H1N1) and COVID-19 as prescribed diseases.

The Department considers that, as currently worded, the regulations would enable workers in frontline health care to be presumed to have acquired seasonal influenza caused by one of the influenza subtypes (H1N1), and COVID-19, from their employment. With respect to influenza, it is not clear why this would be restricted to only the H1N1 subtype, where other types and subtypes, such as influenza H2N3 and influenza B, have similar transmission dynamics and can also cause severe disease. Also, for both influenza and COVID-19, the relative prevalence of these diseases in the community and healthcare facilities, and hence likelihood of acquisition, may not be dissimilar. The Department recommends that Influenza A (H1N1) be removed from the table of prescribed diseases, or that it be amended to refer to the influenza A and B viruses, and that COVID-19 also be removed from the table.

The Department is also concerned about provisions relating to malignancy and the proposed prescribed employment criteria. The proposed criteria require a person to have been employed and had exposure to ionising radiation for five years or more. The reference to "employment for at least five years" means that the presumption does not differentiate between people who have worked full time and people who have worked shorter hours with less exposure over the same period. The magnitude of the exposure is not defined, especially in relation to background radiation levels, and has not been related to the statutory dose limits that are in existence within Western Australia; limits which exist to reduce the risk of stochastic effects. proposal does also not consider the regulatory regime that exists for planned exposures and the dose limits and protection principles that already apply, particularly for those defined as 'radiation workers' under the Radiation Safety (General) Regulations 1983.

In addition, many occupationally exposed persons will have ionising radiation exposures through medical investigations and treatments that will be many times

greater in magnitude than their employment exposures. The Department would prefer that the regulations specify a minimum exposure and reference frequency and duration of exposure, including incorporating the measurement of exposure via dosimeters with a minimum cumulative exposure figure.

Should you have any queries in relation to these issues, please do not hesitate contact



Yours sincerely

A handwritten signature in blue ink, appearing to read 'Megan Inglis'.

Megan Inglis
**A/ASSISTANT DIRECTOR GENERAL
STRATEGY AND GOVERNANCE**

19 January 2024