

RETURN TO WORK AMENDMENT REGULATIONS 2016**Purpose**

To amend Schedule 2 of the *Return to Work Regulations* to include a contemporary, standardised list of deemed diseases in Australia, based on the most recent scientific evidence.

Summary of key provisions

The *Return to Work Act* commenced on 1 July 2015 and provides a framework to support effective rehabilitation of injured workers in the Northern Territory.

Schedule 2 of the Regulations consists of a table of deemed diseases, i.e. a list of prescribed occupational diseases and kinds of diseases, and the corresponding occupational hazards that are presumed to be the cause of the disease.

The list of deemed diseases in the Northern Territory has not been updated or amended since the *Work Health Act* was introduced in 1987.

A national project to develop a contemporary standardised list of deemed diseases in Australia, based on the most recent scientific evidence, was completed in August 2015. The final deemed disease list was endorsed and recommended for implementation by the Northern Territory Workers Rehabilitation and Compensation Advisory Council in November 2015.

The revised and rearranged list provides clarity by specifying each disease and the kinds of employment that have been scientifically proven to cause the development of that disease. The current Schedule is predominantly laid out in terms of diseases caused by particular substances, with the kinds of employment simply listed as 'all work involving exposure to the risk concerned' and as such is open to interpretation. Accordingly, on the face of it, the revised schedule increases the deemed diseases list from 28 diseases to 48 diseases; however, in reality the revised and rearranged list contains 12 additional diseases while one has been removed.

The improved clarity of the revised Schedule represents a fairer approach to dealing with diseases contracted in the course of employment. Despite available scientific evidence, it can be a very expensive and time consuming process for a worker to prove a work connection. The deemed diseases list simplifies the claim process, while still allowing an employer to rebut based on medical or factual evidence.

These Regulations do not alter the presumptive legislation that was introduced for fire fighters in 2015.

Legislative Authority

Section 187(1) of the *Return to Work Act*.