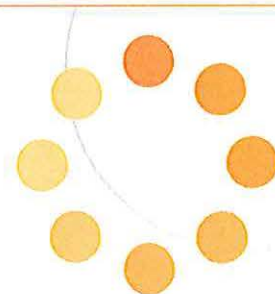




mpa

Melanoma Patients Australia

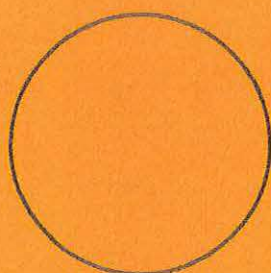
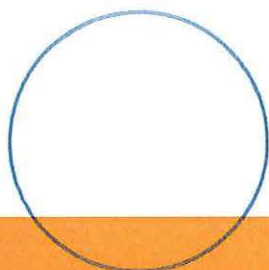


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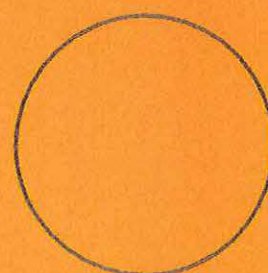
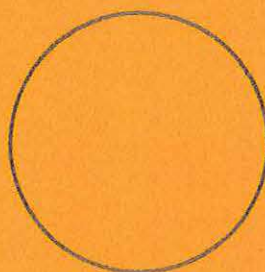
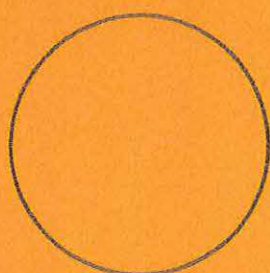
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30 AUG 2012

Finance and
Administration Committee



Submission on
**Workers' Compensation
Entitlements for Work
Related Melanoma Disease**



"A Community of Support in a Time of need"

www.melanomapatients.org.au



Submission on Workers' Compensation Entitlements for Work Related Melanoma Disease

MPA is the peak body representing sufferers of melanoma in Queensland.

Melanoma Patients Australia ("MPA") was officially launched on 6 July 2006 by the then Governor of Queensland, Her Excellency Quentin Bryce AC, now Governor General of Australia.

MPA is the only patient driven non profit organisation that offers a network of support and information to patients, their families, carers and friends, about melanoma prevention, diagnosis, management and treatment.

MPA is concerned that the Queensland Government may be contemplating altering workers' compensation entitlements for sufferers of work related melanoma disease.

Melanoma

Important facts:-

- > Melanoma is a malignant tumour of melanocytes. Melanocytes are cells that produce the dark pigment, melanin, which is responsible for the colour of the skin. They predominately occur in the skin, but are also found in other parts of the body, including the bowel and the eye.
- > Melanoma is often caused by UV sun exposure.
- > If melanoma is found early, while it is still small and thin, and if it is completely removed, then the chance of cure is high. This represents stage 0, 1 and 2 of the disease.

Stage 3 of the disease is defined by lymph node involvement.

Stage 4 of the disease occurs when melanoma has spread beyond the original site and regional lymph nodes to more distant areas of the body.

- > Melanoma disease is a latent onset disease in that the symptoms do not appear until many years after UV sun exposure. Latency periods between exposure and symptoms, can be as much as 10 to 40 years.

Work Related Melanoma

Asbestos disease and melanoma disease are very similar in terms of latency periods between exposure and diagnosis. Both can be sinister work related disease pathologies.

A worker may have endured non-work and work related periods of exposure.

The definition of "injury" contained in the *Workers' Compensation and Rehabilitation Act 2003* (the 2003 Act) requires the workplace sun exposure to have made a significant contribution to the development of the melanoma disease to warrant it being accepted as a work related injury. This requires a connection to be established between the primary melanoma site and workplace sun exposure. Many melanomas occur on areas of the body not exposed to the sun and hence are not work related.

The definition of injury contained in the 2003 Act prevents any mischief in respect of non-work related sun exposure playing a role in the development of melanoma disease.

Continued over page



Relevant Statistics

The WorkCover scheme remains fully funded and WorkCover Queensland has a very sound financial position.

Solar injuries have been identified as an emerging issue that may impact future scheme costs¹. This statement must be qualified with reference to the following:-

- > Only 112 solar claims were reported in 2010/11².
- > Solar claim are reported as being currently *rare*³.
- > The average claim cost for 2011/12 YTD has *reduced* to levels slightly above 2009/10⁴.
- > Solar claims represent only 1.4% of total statutory payments⁵.
- > No common law claims for melanoma are reported in the Information Paper or Q-Comp report⁶.

WorkCover Scheme

The statement that the 2003 Act did not contemplate these types of claims⁷, needs to be measured against the following:-

- > The WorkCover scheme has specifically dealt with solar claims since at least 18 December 1990 when the *Workers' Compensation Act 1990* (the 1990 Act) was introduced. "Solar induced skin disease that is malignant" was prescribed in the *Workers' Compensation Regulation 1990* as a work related injury.
- > That injury has remained in all pieces of workers' compensation legislation introduced since and includes the current 2003 Act.
- > Q-Comp has long had a Dermatology Medical Assessment Tribunal set up to evaluate work related solar claims.

- > Melanoma is a latent onset injury. The 2003 Act now has unique provisions that specifically deal with latent onset injuries⁸ and terminal latent onset injuries⁹. Those provisions work very well in work related melanoma claims.

Summary

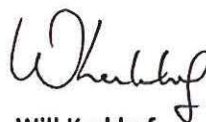
On behalf of its members, MPA is strongly of the view that no justification exists to alter the 2003 Act in respect of work related melanoma disease claims.

We respectfully submit it wrong to have a "knee jerk" reaction to alter the scheme to adversely affect sufferers of work related melanoma disease when such limited information is to hand on claim trends and this is especially so given the statement that these claims are *rare* and that the average claim cost for 2011/12 YTD has *reduced* to levels slightly above 2009/10. More time is needed to assess relevant claim trends.

The 2003 Act continues to adequately deal with work related melanoma disease claims.

Attached for your consideration are just a few letters from MPA members voicing their concerns about any possible changes to the WorkCover scheme.

We would be grateful for the Government's favourable consideration of this submission.



Will Kerkhof

Chief Executive Officer
Office: 07 3721 1770
Mob: 0433 300 906

¹ Information Paper prepared by Department of Justice and Attorney General, Q-Comp and WorkCover Queensland -p5.

² Queensland workers' compensation claims monitoring report prepared by Q-Comp - p25.

³ Information Paper prepared by Department of Justice and Attorney General, Q-Comp and WorkCover Queensland -p38.

⁴ Queensland workers' compensation claims monitoring report prepared by Q-Comp - p25.

⁵ Ibid

⁶ Information paper prepared by Department of Justice and Attorney General, Q-Comp and WorkCover Queensland & Queensland workers' compensation claims monitoring report prepared by Q-Comp

⁷ Information Paper prepared by Department of Justice and Attorney General, Q-Comp and WorkCover Queensland -p38.

⁸ Section 36A of the 2003 Act

⁹ Section 128A to 128E of the 2003 Act

17 July 2012

To whom it may concern

I am writing to add my voice to concern there may be consideration being given to the removal of compensation to metastatic melanoma sufferers, of which I am one.

During my working career, I was heavily involved in outside work related activities with the resultant effect being diagnosed with melanoma at first instance, Level 4, and it was from this point that my problems arose. The melanoma has subsequent metastasised to Stage 4.

My condition was caused by a 5 year employment period in Mount Isa, in far western Queensland, during which time most of my time was spent in the sun wearing shorts and a work shirt, operating a fork-lift and preparing orders of product for dispatch to clients.

This disease is one that does not reveal itself early in its mutation and simply "appears" and very often in a very inconspicuous fashion. In my case it was on the outside of the right knee, progressing to the right groin and into the lymphatic system, to the central groin and, on the most recent occasion, to the upper right lung.

I am at this time being examined for avid FDG uptake in the L1 lumbar bone, right pedicle, (this is the lower spine), and am to have a MRI scan on Friday, 20 July 2012 to further evaluate the results of a PET/CT scan performed early June this year, which showed the result mentioned in this paragraph.

I am hopeful, but one of the scenarios is a "Trial" which would cost me, \$140,000.00 personally, not something I want to even think about.

From the initial diagnosis to today, I have undergone 4 major operations and am now classified as a Stage 4 melanoma patient. Level 4 is the diagnosis for the primary melanoma and Stage 4 is the current situation. This is over an almost 7 year period and has been more than a wee bit mentally stressful.

This condition has affected me greatly and has been not only a financially taxing situation, but also a very mental one. The latter takes a lot of overcoming and the financial compensation provided by the WorkCover legislation goes in some way to alleviating a lot of trauma. I oft times refer to it as the "Beast" that can come and go, and even though mental relief is on occasion given by the medical profession, that it may have gone from one's body, it always seems to come back and bite. It is surely one of the silent diseases and the major problem is that most folk look at sufferers and see what is a seemingly healthy person.

Not true, oh how so not true at all.

I have documentation of the medical procedures I have undergone, scans I have had that did not reveal the truth and also a talk I gave to a meeting of melanoma sufferers in November 2011 and that tells a story in its own right.

Surely, there will be more than just me who writes to you requesting no reduction in funding for this awful disease under the WorkCover legislation, and there is nothing I can really say that will

fully explain what one goes through, as stated earlier in this communication, both financially and mentally.

Should anyone have a desire to speak to me about this BEAST, I would only too happily make myself available.

For the sake of brevity, I will not say more but ask you:

"Please do not consider altering this financial compensation, it is not only life changing, but life saving".

Yours sincerely



Les Wells
A Proud Member of MPA





14 July 2012

To Whom It May Concern

I am Joy Hughes, Cyril's wife of 37 years and I am writing this letter on behalf of us both due to Cyril being permanently incapacitated and at times unable to put a sentence together due to the seizures he suffers, the memory loss he has inherited from the melanomas on the brain, and from the day to day problems that have presented themselves with this hideous disease.

For the past 40 plus years prior to 21 August 2011 Cyril was a conscientious and articulate construction site foreman meticulously organising the intricate construction of large building sites in Queensland, sometimes overseeing and coordinating up to 100 tradesmen at any one time.

Cyril endured significant unprotected sun exposure whilst employed in Queensland which caused him to develop several melanomas. Cyril has now been diagnosed with melanoma disease in his brain, gall bladder, in his right lung and colon area. His body has been taken over by melanoma disease. Our lives now revolve around attending endless specialist appointments, hospital visits, surgeries, blood tests, MRI and CT scans, radiotherapy and stereotatic radiation and chemotherapy treatment and Cyril is about to embark on a new drug trial. Our quality of life has been devastated by this sinister disease.

If all this is not bad enough, the financial strain that comes with the additional medical treatments and the daily expenses of running the family home when the main breadwinner for the home can no longer work, has placed enormous challenges and strain on our family unit.

As a result of Cyril's successful workers' compensation claim we have been able to now concentrate on what are the best options for Cyril's health and we no longer have to worry about the stress of not being able to pay household bills or treatments costs associated with Cyril's melanoma disease.

I whole heartedly believe the worker's compensation claims for work related melanoma claims should not be altered, changed or affected in any shape from its present form.

Kind Regards,

On behalf of

Cyril & Joy Hughes

Proud members of Melanoma Patients Australia

[Redacted]

To Whom it may concern,

My name is Peter Roulstone and I am 56 years of age.

My drama started at around Christmas 2011. It was supposed to be an ordinary, relaxed holiday, just like every other year. Unfortunately it was anything but.

We decided to go to Westfield shopping center at Morayfield to watch a movie. When we came out I started to feel really unusual, light headed, heart beating fast. After umpteen doctors visits, blood tests, CT scans, MRI scans, and PET scans. You name it I have had it done. We found I had the big C – that is, metastatic melanoma disease. At first I felt like falling to the floor in a screaming heap but after a while I started to accept what was happening, to a certain extent anyway. The whole experience was surreal, like someone else's life was playing out before me. Similar to something you see on the TV.

From 1975 to 2012 I was employed by James Hardie as a forklift operator. I endured significant unprotected sun exposure on my head area when operating my forklift outdoors – which was for the bulk of my employment. I was diagnosed with melanoma on my right ear in 2003. It was about this time that sun protection measures were adopted by James Hardie but by that point the damage was already done. It was accepted that my employment based sun exposure played a significant role in the development of the melanoma on my right ear which subsequently spread to other areas of my body. Whilst I did endure some minor non-work sun exposure, my employment based sun exposure over 28 years was far more significant.

From my right ear my melanoma disease spread. I subsequently had a week in hospital in 2012 to take out a huge melanoma on my neck and later my stomach was opened to do an intestine bypass. All of this was a huge drain on our nerves and bank accounts.

I have struggled immensely to come to grips with this sinister work related injury. It is the last thing I thought I would have to face at this point in my life. I am slowly coming to grips with my situation but each day is a struggle.

My wife's emotional well being has also been drastically effected by this condition. In fact, I have found out that the partner of someone that is sick is usually the one to feel the grief and pain. I caught my wife crying in the weeks following the diagnosis. She tried to hide it but I caught her a few times. She also took up smoking again after only giving it up recently saying that 'if you think I am not going to have a cigarette now then you are mistaken'.

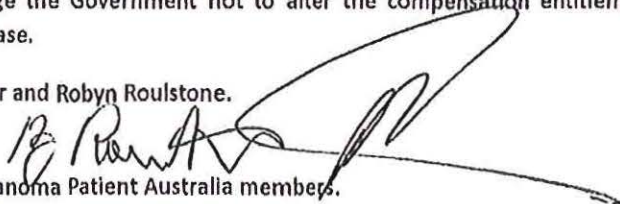
I retired early into the New Year as a result of my melanoma disease. My wife had to stop working to take me to doctors and blood tests as I was not in any condition to drive. I did receive a nice payout from my work but with both of us not working this did not last very long.

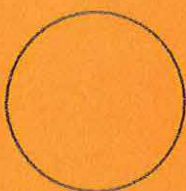
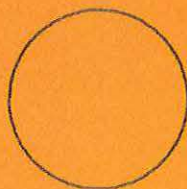
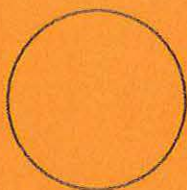
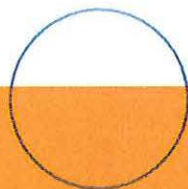
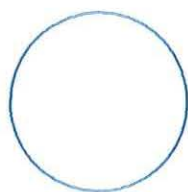
We were starting to become very desperate financially prior to my WorkCover claim being accepted.

Words fail to do justice to my battle with this terrible disease. This condition has also taken a great toll on my family unit. Whilst the WorkCover payment will not give me my health back, it does enable me to seek proper treatment for this awful disease and get my affairs in order to ensure my family is taken care off.

I urge the Government not to alter the compensation entitlements that exist for sufferers of serious melanoma disease.

Peter and Robyn Roulstone.


Melanoma Patient Australia members.



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