

# Legislative tests and initial liability

## Determining initial liability

For a claim to be determined under the SRC Act, there are a number of key legislative tests that must be considered and applied.

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## Employees under the SRC Act

A primary test for determining initial liability is whether the person is an employee as defined under the SRC Act.

## Injury and disease under the SRC Act

For liability to be accepted for a claimed condition it must meet the definition of an injury or disease under the SRC Act.

## Considerations relevant to disease claims

There are specific provisions and considerations relevant to determining liability for disease claims under the SRC Act such as the legislative test for disease claims with a date of injury before 13 April 2007, specified diseases, greater incidence of disease, deeming date of injury for a disease, long latency diseases, presumptive PTSD provisions for first responders and information about diseases relating to fire fighters.

## Specific conditions and circumstances

There are some unique types of claims that may arise, including: conditions arising from compensable medical treatment, locally engaged overseas employees, hearing loss, claims arising out of claim administration or the rehabilitation process, loss or damage to property.

## Written notice of injury

An employee must provide a written notice of injury as soon as practicable after the injury (or be taken to have provided a written notice as soon as practicable after the injury).

## Employment relationship - injuries under section 6(1) of the SRC Act

Section 6(1) of the SRC Act extends and clarifies the circumstances under which an injury can be compensable.

## Exclusionary Provisions

The SRC Act provides that in certain circumstances employees are excluded from receiving compensation.

## Aggravations, accelerations and recurrences

Aggravation under the SRC Act includes acceleration and recurrence