

Use of Genetic Testing Results in Life Insurance Underwriting



Cancer Council, in partnership with Cancer Council Victoria and the McCabe Centre for Law and Cancer, provided a submission in January 2024 to the Treasury consultation on the use of genetic testing results in life insurance underwriting.

Many cancers are a genetic disease and genetic testing plays a vital role in cancer prevention, care, and research. Cancer Council's submission highlighted the discrimination experienced by Australians undergoing genetic cancer testing in financial services, such as life insurance. This is an issue under the Disability Discrimination Act 1992 (Cth). As cancer is included in the definition of disability in the Act, people affected by cancer and their families should be protected from discrimination based on a family history of cancer or genetic predisposition to cancer.

In the current circumstance, genetic discrimination, or fear of genetic discrimination, acts as a barrier to people obtaining insurance coverage, and this can result in reduced financial protection for individuals and their families.

Cancer Council, Cancer Council Victoria and the McCabe Centre for Law and Cancer support a total ban on the use of genetic test results in life insurance underwriting.

In response to the Treasury's consultation questions, the submission raised the following points:

- Reluctance to undergo genetic testing will impact all healthcare and medical resources.
- The current Moratorium is inadequate to protect individuals from discrimination for the following reasons: it is a self-regulatory code, it lacks government or independent oversight or enforcement, it has low community awareness and trust, the financial thresholds are arbitrary, and there is poor compliance with the life insurance industry.
- People affected by cancer and their families are choosing not to undergo genetic testing due to concerns about genetic information being used adversely, or fear of discrimination.
- Evidence from the US, Canada and the UK indicates little to no risk of adverse selection arising from Government intervention.
- Government oversight and effective compliance are needed for a total ban on the use of genetic results and enforcement measures.
- The Australian Human Rights Commission is the most appropriate body to enforce, promote, educate and support individuals and stakeholders to understand and meet any new legal obligations related to the use of genetic testing in life insurance underwriting.

Further information on the consultation is available on the Treasury website:
<https://treasury.gov.au/consultation/c2023-467047>