

Amendments to the Workers' Compensation and Injury Management Regulations 1982

Presumptive firefighter cancers Fact Sheet

The regulations have been amended to provide a rebuttable presumption of work injury for firefighters who contract any one of eight specified cancers

Background

- The *Workers Compensation and Injury Management Act 1981* (the Act) provides a rebuttable presumption that 12 specified cancers, with corresponding qualifying periods, are work related when suffered by firefighters.
- The Act provides for additional presumptive cancers and corresponding qualifying periods to be prescribed in regulations.
- Amendments made to the *Workers' Compensation and Injury Management Regulations 1982* prescribe the following additional presumptive cancers and qualifying periods:

Cancer	Qualifying period
Malignant mesothelioma	15 years
Primary site cervical cancer	10 years
Primary site lung cancer	15 years
Primary site ovarian cancer	10 years
Primary site pancreatic cancer	10 years
Primary site penile cancer	15 years
Primary site skin cancer	15 years
Primary site thyroid cancer	10 years

Application of presumptive firefighter cancers

- Regulation 66A provides each cancer listed in the table to regulation 66A is a prescribed cancer for the purposes of Schedule 4A item 13 of the Act.
- Regulation 66A also provides the periods listed in the table to regulation 66A are the qualifying periods for the presumption to apply with respect to each cancer.
- These amendments mean a firefighter suffering from any one of the eight prescribed cancers and meets the relevant qualifying period, is taken to have suffered a work-related injury unless the employer/insurer can show otherwise.
- A firefighter can rely on the presumption for any one of the eight additional cancers as long as the cancer was diagnosed on or after 13 November 2013 (the date the presumptive cancer legislation came into operation).

Claiming compensation

- A claim can be lodged via the standard workers' compensation claim process by filling out a workers' compensation claim form and obtaining a First Certificate of Capacity from the worker's treating medical practitioner.
- To rely on the presumption under the regulations a firefighter must:
 - Be diagnosed with one of the eight presumptive cancers
 - receive a diagnosis on or after 13 November 2013
 - satisfy the relevant employment qualifying period for the cancer
 - make the claim on or after the date the regulations for that cancer came into operation (5 May 2023 for malignant mesothelioma or skin cancer; 9 August 2023 for the other six cancers).

Further information

- Further information with respect to making a workers' compensation claim can be found at the WorkCover WA website: <https://www.workcover.wa.gov.au/> or from WorkCover WA's Advice and Assistance Service on 1300 794 744.