

Prescribed (Presumptive) Diseases

The *Workers Compensation and Injury Management Act 2023 (WCIMA23)* and the *Workers Compensation and Injury Management Regulations 2024 (WCIMR24)* establish a presumption of work-related injury for prescribed diseases contracted by workers in prescribed employment.

Key Points

Act ref: s. 10, Reg ref: Part 2

- A presumption of work-related injury facilitates access to workers compensation by reversing the onus of proof about the cause of the injury.
- The *WCIMR24* sets out the diseases, types of employment, and where relevant, employment periods for which a presumption of work-related injury applies.
- The regulatory mechanism provides the flexibility to add occupational diseases and classes of employment if the circumstances justify it.
- Schedule 1 of the *WCIMR24* includes the following types of prescribed diseases for which a presumptive claim may be made:
 - infectious diseases
 - malignant diseases
 - mental and neuropsychiatric diseases
 - diseases of the nervous system
 - respiratory diseases
 - hepatic diseases
 - skin diseases
 - musculoskeletal diseases
 - poisoning or toxicity

Questions & Answers

Q. Are dust diseases included in Schedule 1 of the *WCIMR24*?

A. No. The *WCIMA23* contains standalone provisions for a presumption of work-related injury for workers who contract a dust disease via exposure to asbestos or mineral dust (Part 2 Division 9).

Q. Why are presumptive diseases in regulations and not the Act?

A. The most appropriate method to address presumptive diseases is through regulations. This is to ensure the list of presumptive diseases remains current with the changing nature of work and there is a responsive method to ensure new diseases can be accommodated where there is supporting epidemiological evidence.

Q. How was the list of presumptive diseases in Schedule 1 of the *WCIMR24* compiled?

A. The list of presumptive diseases is based on SafeWork Australia's [Revised List of Deemed Diseases in Australia](#) which includes a recommended list of diseases and corresponding occupations for use by states and territories when considering presumptive provisions.