

FACT SHEET

Workers Rehabilitation and Compensation Amendment Bill 2023

The Workers Rehabilitation and Compensation Amendment Bill 2023 (the Bill) amends the *Workers Rehabilitation and Compensation Act 1988* (the WRC Act) to extend the list of presumptive cancers for fire-fighters.

Section 27 of the WRC Act provides that in certain circumstances employment as a fire-fighter is, in the absence of evidence to the contrary, taken to have contributed to a substantial degree to specific diseases. This is known as a presumption of cause.

Schedule 5 of the WRC Act sets out the specific diseases to which the presumption of cause applies and the corresponding qualifying periods of employment as a fire-fighter. There are currently 12 diseases listed in Schedule 5, all of which are types of cancer.

The Bill proposes to amend Schedule 5 to insert an additional nine diseases, all of which are also types of cancer. The nine additional diseases, along with their corresponding qualifying periods are:

- Primary site cervical cancer – 10 years;
- Primary site ovarian cancer – 10 years;
- Primary site penile cancer – 15 years;
- Primary site thyroid cancer – 10 years;
- Primary site pancreatic cancer – 10 years;
- Primary site skin cancer – 15 years;
- Primary site lung cancer – 15 years;
- Primary site uterine cancer – 10 years; and
- Malignant mesothelioma – 15 years.

Under section 27, the criteria for the presumption of cause are the:

- worker suffers a disease referred to in column 1 of Schedule 5 that occurred on or after 21 October 2013 (the date the presumption of cause provisions commenced);
- disease occurs during a period in which the worker is employed as a fire-fighter or within the 10 year period after the worker ceases to be employed as a fire-fighter; and
- worker was employed as a fire-fighter for at least the period specified in column 2 of Schedule 5 corresponding to the specific disease.

The operation of section 27 means the presumption applies in respect of any cancer added to the schedule, even if a pending or future claim relates to a diagnosis occurring before the cancer was added to the schedule.

The Bill also proposes an amendment to section 27 of the WRC Act to ensure that the power to amend Schedule 5 by regulation is preserved.