

Fact Sheet

Presumptive firefighter cancers

Background

As firefighters may be exposed to certain known carcinogens in the course of their employment, and there is sufficient scientific evidence linking firefighting and specified cancers, the *Workers Compensation and Injury Management Act 2023* (the Act) and the *Workers Compensation and Injury Management Regulations 2024* (the regulations) provide a rebuttable presumption to assist firefighters when making a workers compensation claim for those specified cancers.

Firefighter cancers covered under the Act and regulations

- The Act provides a list of 12 specified cancers which, when the relevant qualifying period is met, are taken to be caused by employment when suffered by firefighters. The regulations provide a further eight specified cancers. They are:

Cancer	Qualifying period
Primary site brain cancer	5 years
Primary site bladder cancer	15 years
Primary site kidney cancer	15 years
Primary non-Hodgkin's lymphoma	15 years
Primary leukaemia	5 years
Primary site breast cancer	10 years
Primary site testicular cancer	10 years
Multiple myeloma	15 years
Primary site prostate cancer	15 years
Primary site ureter cancer	15 years
Primary site colorectal cancer	15 years
Primary site oesophageal cancer	15 years
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

- When a worker suffers from one of the specified cancers, that cancer is taken to be from firefighting employment in which the worker was engaged if certain requirements are met. The requirements are:
 - When the injury is suffered by the worker, (whether or not still in firefighting employment) has been in firefighting employment for at least a period of, or periods in aggregate amounting to, the qualifying period for the disease
 - the worker has been in hazardous firefighting employment for at least a period of, or periods in aggregate amounting to the lesser of:
 - (i) five years; or
 - (ii) the qualifying period for the disease.
- Firefighting employment means employment by or under the Crown in right of the State, a substantial part of the duties of which consists of firefighting duties and is covered by an industrial instrument applicable to firefighting.
- This generally applies to career firefighters employed by the Department of Fire and Emergency Services as well as certain firefighters employed by the Department of Biodiversity, Conservation and Attractions.
- Hazardous firefighting employment means employment during which the worker is engaged as a member or officer of a permanent fire brigade, as defined in the *Fire Brigades Act 1942*, or else attends hazardous fires at a rate at least equivalent to the rate of five hazardous fires per year.
- Hazardous fire means a fire in a building, a fire in a vehicle, or a fire involving non-organic refuse or rubbish created by humans.
- The date of injury for a firefighter cancer is taken to be either the day on which the worker is first diagnosed by a medical practitioner as having contracted the disease, or the day on which the worker becomes totally or partially incapacitated for work, whichever is the earlier. In most situations the date of injury is likely to be the date of diagnosis.
- A firefighter can rely on the presumption for any one of the specified cancers as long as the cancer was diagnosed on or after 13 November 2013.

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 specified cancers provided for in the Act or regulations
 - receive a diagnosis on or after 13 November 2013
 - satisfy the relevant employment qualifying period for the cancer
 - for the specified cancers contained in regulations, make the claim on or after the date the regulations for that cancer first came into operation (5 May 2023 for malignant mesothelioma or skin cancer and 9 August 2023 for cervical cancer, lung cancer, ovarian cancer, pancreatic cancer, penile cancer, or thyroid cancer).

- A claim that does not meet the above requirements may not necessarily be rejected. In these circumstances the worker simply cannot rely on the presumption provided in regulations and the claim would progress and be treated as any other claim.

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.