



**Country Fire Service
Volunteers Association**
"Representing the interests of CFS Members"

Return to Work Legislation Presumptive Cancer Legislation – CFS Volunteers

Schedule 3—Injuries presumed to arise from employment as a firefighter

1—Substantive provisions

(1) If—

(a) a worker suffers an injury of a kind referred to in the first column of the table in this Schedule; and

(b) the injury occurred on or after 1 July 2013; and

(c) before the injury occurred, the worker was employed by SAMFS as a firefighter for the qualifying period referred to in the second column of the table opposite the injury; and

(d) during that period, the worker was exposed to the hazards of a fire scene (including exposure to a hazard of the fire that occurred away from the scene),

the worker's injury is presumed, in the absence of proof to the contrary, to have arisen from employment by SAMFS. **Return to Work Act 2014—1.7.2015** Schedule 3—Injuries presumed to arise from employment as a firefighter 160 This version is not published under the *Legislation Revision and Publication Act 2002* [1.7.2015]

(2) If—

(a) a worker suffers an injury of a kind referred to in the first column of the table in this Schedule; and

(b) the worker was a member of SACFS presumptively employed by the Crown as a firefighter—

(i) on or after 1 July 2013; and

(ii) before the injury occurred; and

(iii) for the qualifying period referred to in the second column of the table opposite the injury; and

(c) the injury occurred—

(i) on or after 1 July 2013; and

(ii) in the case of a worker who is no longer a member of SACFS presumptively employed by the Crown as a firefighter—no more than 10 years after the cessation of that presumptive employment; and

(d) during the qualifying period referred to in paragraph (b)(iii), the worker was exposed to the hazards of a fire scene (including exposure to a hazard of the fire that occurred away from the scene),

the worker's injury is presumed, in the absence of proof to the contrary, to have arisen from his or her presumptive employment by the Crown.

(3) For the purposes of subclauses (1) and (2)—

(a) a worker is taken to have been employed as a firefighter if firefighting duties made up a substantial portion of his or her duties; and (b) a worker who was so employed for 2 or more periods that add up to or exceed the qualifying period is taken to have been employed for the qualifying period; and

(c) the qualifying period may include a period or periods that commenced or occurred before 1 July 2013.

Description of injury

Qualifying period

Primary site brain cancer	5 years
Primary site bladder cancer	15 years
Primary site kidney cancer	15 years
Primary non-Hodgkins lymphoma	15 years
Primary leukemia	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	25 years