



Australian Government
Department of Veterans' Affairs

Businessline

Action Required: Note the expansion of the list of prescribed conditions for the purposes of subsection 7(8) (for veterans with certain firefighting service) of the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988*.

To:

Operational Services Section, VEA Compensation and Support Branch, for distribution to CBD delegates

For information:

Secretary
Deputy President
Deputy Secretary – Client Benefits Group
Deputy Secretary – Veteran, Family & Stakeholder Experience
Deputy Secretary – Policy and Programs
Repatriation Commissioner
Veteran Family Advocate Commissioner
First Assistant Secretaries
Assistant Secretaries
Deputy Commissioners
General Counsel
Chief Health Officer
Principal Medical Advisor Compensation

SUBJECT: Expansion of prescribed conditions for veterans with certain firefighting service covered under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 (DRCA)*

Purpose: To advise staff of the addition of new conditions prescribed in the DRCA regulations for veterans whose service while employed as a firefighter meets the qualifying periods and onset timeframes.

Key Points:

- Amendments to the *Safety, Rehabilitation and Compensation (Defence-related Claims) Regulations 2019* have been implemented, commencing 5 October 2023.
- As part of these amendments, eight new prescribed cancers were added to the list of prescribed conditions under DRCA Section 7(8) for veterans with firefighting service covered under the DRCA.
- This means that, where a veteran whose employment as an ADF firefighter meets the qualifying period for the specified cancer and the cancer was

sustained on or after 4 July 2011, liability for that cancer can be accepted without the need for further investigation.

- It is distinct from the special arrangements under the ADF Firefighters Scheme for historical service by Royal Australian Air Force firefighters at RAAF Base Point Cook, and applies to all Australian Defence Force members with relevant ADF firefighting service.

Background:

The amendments which added the eight new prescribed cancers were set out in the *Safety, Rehabilitation and Compensation (Defence-related Claims) Amendment (Prescribed Cancers) Regulations 2023*.

Subsection 7(8) of the DRCA sets out a number of cancers which can be taken to be service-related without the need for further investigation (unless the contrary is established). The circumstances in which subsection 7(8) can be applied are that:

- the veteran meets the qualifying period of employment as a firefighter for the condition claimed;
- the veteran was exposed to the hazards of a fire scene during their relevant service; and
- the condition manifested on or after 4 July 2011, which was the date subsection 7(8) of the DRCA commenced.

The table in Subsection 7(8) of the DRCA itself sets out 12 prescribed cancers. Item 13 in the table allows for further conditions and qualifying criteria to be established. This power has been used to prescribe the eight further cancers via the DRCA Regulations. The eight new prescribed cancers and their qualifying periods are as follows:

Item	Disease	Qualifying period
1	Primary site lung cancer	15 years
2	Primary site skin cancer	15 years
3	Primary site cervical cancer	10 years
4	Primary site ovarian cancer	10 years
5	Primary site penile cancer	15 years
6	Primary site pancreatic cancer	10 years
7	Primary site thyroid cancer	10 years
8	Malignant mesothelioma	15 years

The expanded prescribed conditions apply only to veterans covered by the DRCA. For service rendered on or after 1 July 2004, the *Military Rehabilitation and Compensation Act 2004* (MRCA). Under the MRCA, there are no prescribed conditions, and all claims for liability must be assessed according to the Statements of Principles for the relevant condition where these have been determined by the Repatriation Medical Authority.

Further information on the operation, scope and correct application of subsection 7(8) of the DRCA and the associated provisions in the Regulations can be found in [Chapter 22.4.5 of the SRCA Manual](#) in CLIK.

A handwritten signature in blue ink, appearing to read 'Adam Weiderman', with a long horizontal flourish extending to the right.

Adam Weiderman
Assistant Secretary
Benefits Policy Branch

October 2023