

Western Australia

## **Workers' Compensation and Injury Management Amendment Bill 2013**

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Western Australia

LEGISLATIVE ASSEMBLY

**Workers' Compensation and Injury  
Management Amendment Bill 2013**

**A Bill for**

***An Act to amend the *Workers' Compensation and Injury Management Act 1981*.***

The Parliament of Western Australia enacts as follows:

**Workers' Compensation and Injury Management Amendment Bill 2013**

**s. 1**

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1 **1. Short title**

2 This is the *Workers' Compensation and Injury Management*  
3 *Amendment Act 2013*.

4 **2. Commencement**

5 This Act comes into operation as follows —

6 (a) sections 1 and 2 — on the day on which this Act  
7 receives the Royal Assent;

8 (b) the rest of the Act — on the day after that day.

9 **3. Act amended**

10 This Act amends the *Workers' Compensation and Injury*  
11 *Management Act 1981*.

12 **4. Part III Division 4A inserted**

13 After section 48 insert:  
14

15 **Division 4A — Injury: specified diseases contracted**  
16 **by firefighters**

17 **49A. Terms used**

18 In this Division —

19 *date of injury* has the meaning given in section 49D(1);

20 *qualifying period*, for a specified disease, means the  
21 period specified in Schedule 4A column 2 opposite the  
22 specified disease;

23 *specified disease* means a disease specified in  
24 Schedule 4A column 1.

1           **49B.    Application of Division**

2           This Division applies to a worker who has contracted a  
3           specified disease if —

- 4           (a)   the date of injury is on or after the day on  
5                which the *Workers' Compensation and Injury*  
6                *Management Amendment Act 2013* section 4  
7                comes into operation; and  
8           (b)   on the date of injury the worker is a member or  
9                officer of a permanent fire brigade established  
10              under the *Fire Brigades Act 1942*.

11           **49C.    When employment as firefighter taken to contribute**  
12           **to specified disease**

- 13           (1)   If a worker to whom this Division applies —  
14                (a)   before the date of injury, was employed as a  
15                firefighter for at least the qualifying period for  
16                the specified disease; and  
17                (b)   was exposed to the hazards of a fire scene in  
18                the course of the employment; and  
19                (c)   in the case of a cancer of a kind mentioned in  
20                Schedule 4A item 13, satisfies the conditions (if  
21                any) prescribed by the regulations for such a  
22                cancer,

23           the employment is, for the purposes of this Act, taken  
24           to have been a contributing factor and to have  
25           contributed to a significant degree to the specified  
26           disease, unless the employer proves the contrary.

- 27           (2)   A worker who was employed as a firefighter for 2 or  
28                more periods that in aggregate equal or exceed the  
29                qualifying period for a specified disease is taken to  
30                have been employed as a firefighter for at least that  
31                qualifying period.

**s. 4**

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- 1           (3) For the purposes of this section, a worker was  
2 employed as a firefighter if —  
3           (a) the worker was a member or officer of a  
4 permanent fire brigade established under the  
5 *Fire Brigades Act 1942*; and  
6           (b) firefighting duties made up a substantial portion  
7 of the worker's duties.

8           **49D. Date of injury**

- 9           (1) The date of injury, in relation to a worker who has  
10 contracted a specified disease, is the earlier of these  
11 days —  
12           (a) the day on which the worker becomes totally or  
13 partially incapacitated for work by reason of the  
14 specified disease;  
15           (b) the day on which the worker is first diagnosed  
16 by a medical practitioner as having contracted  
17 the specified disease.  
18           (2) If, for the purposes of this Act, it is necessary to  
19 determine, in the case of a worker to whom this  
20 Division applies, when the worker's injury occurred,  
21 the injury is taken to have occurred on the date of  
22 injury as described in subsection (1).

23           **49E. Review of Division**

- 24           (1) The Minister must carry out a review of the operation  
25 and effectiveness of this Division as soon as  
26 practicable after every 5<sup>th</sup> anniversary of the day on  
27 which the *Workers' Compensation and Injury*  
28 *Management Amendment Act 2013* section 4 comes  
29 into operation.

- 1 (2) The Minister must prepare a report based on the review  
2 and, as soon as practicable after the report is prepared,  
3 cause it to be laid before each House of Parliament.  
4

5 **5. Schedule 4A inserted**

6 After Schedule 3 insert:  
7

8 **Schedule 4A — Specified diseases for firefighters**

9 [s. 49A and 49C(1)(c)]

Column 1		Column 2
Item	Disease	Qualifying period
1.	Primary site brain cancer	5 years
2.	Primary site bladder cancer	15 years
3.	Primary site kidney cancer	15 years
4.	Primary non-Hodgkin's lymphoma	15 years
5.	Primary leukaemia	5 years
6.	Primary site breast cancer	10 years
7.	Primary site testicular cancer	10 years
8.	Multiple myeloma	15 years
9.	Primary site prostate cancer	15 years
10.	Primary site ureter cancer	15 years
11.	Primary site colorectal cancer	15 years
12.	Primary site oesophageal cancer	25 years

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	<b>Column 1</b>	<b>Column 2</b>
<b>Item</b>	<b>Disease</b>	<b>Qualifying period</b>
13.	A cancer of a kind prescribed by the regulations for the purposes of this Schedule	The period prescribed by the regulations for such a cancer

1

2

