

Western Australia

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

As at 12 Nov 2013

No. 21 of 2013

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Workers' Compensation and Injury Management Amendment Act 2013

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Western Australia

Workers' Compensation and Injury Management Amendment Act 2013

No. 21 of 2013

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

[Assented to 12 November 2013]

The Parliament of Western Australia enacts as follows:

s. 1

1. Short title

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

2. Commencement

This Act comes into operation as follows —

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Act amended

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

4. Part III Division 4A inserted

After section 48 insert:

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

49A. Terms used

In this Division —

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

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

specified disease means a disease specified in Schedule 4A column 1.

49B. Application of Division

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

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

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

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

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

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

s. 4

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

49D. Date of injury

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

49E. Review of Division

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

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

5. Schedule 4A inserted

After Schedule 3 insert:

Schedule 4A — Specified diseases for firefighters

[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

s. 5

	Column 1	Column 2
Item	Disease	Qualifying period
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

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