



Queensland

Workers' Compensation and Rehabilitation (Protecting Firefighters) Amendment Bill 2015



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2015

A Bill

for

An Act to amend the *Workers' Compensation and Rehabilitation Act 2003* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Clause 1 Short title 2

This Act may be cited as the *Workers' Compensation and Rehabilitation (Protecting Firefighters) Amendment Act 2015*. 3
4

Clause 2 Act amended 5

This Act amends the *Workers' Compensation and Rehabilitation Act 2003*. 6
7

Clause 3 Insertion of new s 32A 8

Chapter 1, part 4, division 6, subdivision 2— 9

insert— 10

32A Special provision about diseases contracted by firefighters 11
12

(1) This section applies if— 13

(a) a person contracts a disease mentioned in column 1 of the following table— 14
15

(i) while employed as a firefighter; or 16

(ii) at any time after the person stops being employed as a firefighter; and 17
18

(b) at any time before contracting the disease, the person was employed as a firefighter for at least the number of years mentioned in column 2 of the table, whether in 1 period or 2 or more periods. 19
20
21
22
23

Column 1	Column 2
Disease	Minimum number of years as firefighter
primary site brain cancer	5 years
primary site bladder cancer	15 years

Column 1	Column 2
Disease	Minimum number of years as firefighter
primary site kidney cancer	15 years
primary non-Hodgkin 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

- (2) For section 32(3)(a)— 1
 - (a) the disease is taken to have been contracted 2
in the course of the person's employment as 3
a firefighter; and 4
 - (b) the employment is taken to be a significant 5
contributing factor to the disease. 6
- (3) If the person satisfies subsection (1)(b) by 7
combining periods of employment as different 8
kinds of firefighter, the disease is taken to have 9
been contracted in the course of the following 10
employment— 11
 - (a) if at least 1 of the periods was employment 12
as a fire officer—employment as a fire 13
officer; 14
 - (b) otherwise—employment as a volunteer. 15
- (4) To remove any doubt, it is declared that a disease 16
taken to have been contracted in the course of a 17
person's employment as a rural firefighter or 18
volunteer is taken to be an injury sustained 19
while— 20

[s 3]

- (a) for a rural firefighter—performing duties as a member of a rural fire brigade; or 1
2
- (b) for a volunteer—attending at a fire as a volunteer firefighter or volunteer fire warden. 3
4
5
- Note—* 6
- See section 14(3) for rural firefighters and section 15(3) for volunteers. 7
8
- (5) For this section, a person contracts a disease when the first of the following happens— 9
10
- (a) the person is first diagnosed as having the disease; 11
12
- (b) the person becomes totally or partially incapacitated because of the disease; 13
14
- (c) the person dies because of the disease. 15
- (6) This section does not apply if it is proved that— 16
- (a) the disease was contracted by the person other than in the course of the person's employment as a firefighter; or 17
18
19
- (b) the person's employment as a firefighter is not a significant contributing factor to the disease. 20
21
22
- (7) In this section— 23
- employment** includes engagement. 24
- firefighter** means— 25
- (a) a fire officer; or 26
- (b) a rural firefighter; or 27
- (c) a volunteer. 28
- fire officer** means a person employed under the *Fire and Emergency Services Act 1990* as a fire officer or auxiliary firefighter. 29
30
31

rural firefighter means a member of a rural fire brigade registered under the *Fire and Emergency Services Act 1990*.

volunteer means—

- (a) a volunteer firefighter; or
- (b) a volunteer fire warden.

Clause 4 **Insertion of new ch 32** 7

After chapter 31— 8

insert— 9

**Chapter 32 Transitional and
declaratory
provision for
Workers'
Compensation and
Rehabilitation
(Protecting
Firefighters)
Amendment Act
2015** 10
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707 Application of s 32A 20

- (1) Section 32A applies to a disease contracted by a person, as mentioned in section 32A(5), on or after the day the Bill for the *Workers' Compensation and Rehabilitation (Protecting Firefighters) Amendment Act 2015* was introduced into the Legislative Assembly. 21
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23
24
25
26
- (2) Section 382(3) does not apply to an amount payable by WorkCover because of the operation of section 32A. 27
28
29

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