

House of Assembly—No 143

As received from the Legislative Council and read a first time, 15 May 2013

South Australia

**Workers Rehabilitation and Compensation
(Protection for Firefighters) Amendment Bill 2012**

A BILL FOR

An Act to amend the *Workers Rehabilitation and Compensation Act 1986*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Workers Rehabilitation and Compensation (Protection for Firefighters) Amendment Act 2012*.

5 2—Commencement

This Act will come into operation on the day on which it is assented to by the Governor.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Workers Rehabilitation and Compensation Act 1986*

4—Amendment of section 31—Evidentiary provision

- (1) Section 31(1)—delete "An injury" and substitute:

15 Subject to subsections (2) and (2a), an injury

- (2) Section 31(2)—delete "However, if" and substitute:

If

(3) Section 31—after subsection (2) insert:

(2a) If—

- (a) a worker suffers an injury of a kind referred to in the first column of Schedule 2A; and
- (b) the injury occurred on or after 12 November 2012; and
- (c) before the injury occurred, the worker was employed as a firefighter for the qualifying period referred to in the second column of Schedule 2A 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 that employment.

(4) Section 31(3)—delete subsection (3) and substitute:

- (3) A regulation made on the recommendation, or with the approval, of the Corporation or the Advisory Committee may—
 - (a) extend the operation of subsection (2) to injuries and types of work prescribed in the regulation;
 - (b) extend the operation of subsection (2a) to an injury and corresponding qualifying period prescribed in the regulation.

(5) Section 31—after subsection (4) insert:

(4a) For the purposes of subsection (2a)—

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

5—Insertion of Schedule 2A

After Schedule 2 insert:

Schedule 2A—Injuries presumed to arise from employment as a firefighter

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

Description of injury	Qualifying period
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

Schedule 1—Review of amendments

1—Review

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- (1) The Minister must, as soon as possible following the fourth anniversary of the commencement of this clause, appoint an independent person to carry out a review concerning the operation and impact of the amendments made by this Act.
- (2) The person appointed by the Minister under subclause (1) must present to the Minister a report on the outcome of the review no later than 4 months following his or her appointment.
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- (3) The Minister must, within 6 sitting days after receiving the report, have copies of the report laid before both Houses of Parliament.
- (4) In this clause—

Minister means the Minister to whom the administration of the *Workers Rehabilitation and Compensation Act 1986* is committed.