

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

Explanatory Notes

Short title

The short title of the Bill is the *Workers' Compensation and Rehabilitation (Protecting Firefighters) Amendment Act 2015*

Policy objectives and the reasons for them

The objective of the Bill is to:

Introduce deemed disease coverage for Queensland Full-Time, Auxiliary and Volunteer Firefighters who contract one of 12 specified cancers in the course of their employment

Achievement of policy objectives

To achieve this objective, the Bill will amend the *Workers' Compensation and Rehabilitation Act 2003*

Under the deemed disease provisions, if a worker suffers a disease that was deemed to be 'work-related' and was, prior to diagnosis employed in work of a type specified for that disease, the worker's disease is presumed to have been caused by that employment.

This presumption may be rebutted by proving the disease was not due to the employment. The effect of this is to reverse the onus of proof from the worker, on proof of the disease and the relevant employment, to the employer or insurer to prove that the disease was not due to the worker's employment.

Alternative ways of achieving policy objectives

There are no known alternate ways of achieving the same policy objectives.

Estimated cost for government implementation

The costs for implementation of the legislation will be paid for by the Queensland Fire and Emergency Services WorkCover policy.

Consistency with fundamental legislative principles

The Bill is consistent with fundamental legislative principles.

Consultation

This policy was publicly announced by the former LNP Government in December 2014. Since that time, further general discussion has been undertaken with stakeholders.

Consistency with legislation of other jurisdictions

While worker's compensation claims are not limited in Australia (as they are in other countries), it is and has been extremely difficult to prove that a disease was contracted or caused by employment. In recognition of these difficulties, the Commonwealth Government passed presumptive workers' compensation laws for full-time firefighters in 2011. Since that time, South Australia, Tasmania, Northern Territory and Western Australia have since passed similar laws and the Victorian Government have announced that they intend to introduce legislation in 2016.

Notes on provisions

Clause 1

Clause 1 refers to the short title of the Bill.

Clause 2

Clause 2 refers to the Act amended by the Bill.

Clause 3

Inserts the special provisions about diseases contracted by firefighters. The table referred to is similar to that referred to in Section 7 of the *Safety, Rehabilitation and Compensation Act 1988 (Cwth)*.

It also includes relevant definitions to support implementation of the policy.

Clause 4

This clause includes the transitional provisions for the application of the deemed disease provisions. The commencement of the policy is taken to be on or after the day the Bill was introduced into the Legislative Assembly.