

New South Wales

Workers Compensation Amendment (Firefighters' Diseases) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Workers Compensation Act 1987* as follows—

- (a) to specify further kinds of cancer as diseases to which presumptive rights to compensation for firefighters apply and to specify the corresponding qualifying service periods,
- (b) to reduce the qualifying service period for primary site oesophageal cancer from 25 years to 15 years.

Outline of provisions

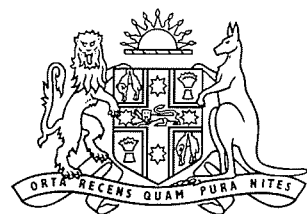
Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Workers Compensation Act 1987 No 70

Schedule 1[1] and [2] amend the *Workers Compensation Act 1987*, Schedule 4 to give effect to the object set out in the overview above.

Schedule 1[3] inserts provisions of a savings or transitional nature.



New South Wales

Workers Compensation Amendment (Firefighters’ Diseases) Bill 2025

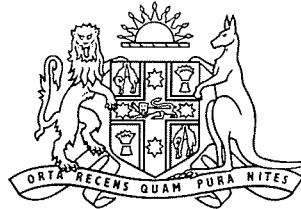
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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Workers Compensation Amendment (Firefighters' Diseases) Bill 2025

No , 2025

A Bill for

An Act to amend the *Workers Compensation Act 1987* to specify further kinds of cancer as diseases to which presumptive rights to compensation for firefighters apply and to specify the corresponding qualifying service periods; to reduce the qualifying service period for primary site oesophageal cancer; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Workers Compensation Amendment (Firefighters' Diseases) Act 2025</i> .	3
	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1 Amendment of Workers Compensation Act 1987 No 70

[1] Schedule 4 Firefighters' diseases

Insert after the matter relating to Primary site testicular cancer—

Primary site cervical cancer	10 years
Primary site ovarian cancer	10 years
Primary site pancreatic cancer	10 years
Primary site thyroid cancer	10 years
Primary site uterine cancer	10 years
Malignant mesothelioma	15 years
Primary site lung cancer	15 years
Primary site skin cancer	15 years
Primary site penile cancer	15 years

[2] Schedule 4

Omit the matter relating to Primary site oesophageal cancer.

Insert instead—

Primary site oesophageal cancer	15 years
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[3] Schedule 6 Savings, transitional and other provisions

Insert before Part 20, with appropriate part numbering—

Part Provisions consequent on enactment of Workers Compensation Amendment (Firefighters' Diseases) Act 2025

1 Additional diseases

- (1) An eligibility provision extends to a disease contracted by a firefighter in relation to which either of the following occurred before the insertion of the eligibility provision (an *existing disease*)—
 - (a) the disease was first diagnosed by a medical practitioner,
 - (b) the firefighter died as a result of the disease.
- (2) However, an eligibility provision does not extend to a disease contracted before 27 September 2018 unless—
 - (a) a claim for compensation is made under the relevant compensation Act in respect of the disease before the insertion of the eligibility provision, and
 - (b) liability for the claim has been denied, and the grounds on which liability has been denied include that the disease was not contracted in the course of the worker's employment or that the employment was not a contributing factor, or a substantial contributing factor, to contracting the disease.

- (3) For the purposes of the application of an eligibility provision to an existing disease, the date of injury in relation to the disease is taken to be the date on which the provision was inserted. 1
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- (4) A further claim for compensation may be made under the relevant compensation Act in respect of an existing disease to which an eligibility provision applies if, before the insertion of the eligibility provision— 4
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 - (a) a claim for compensation was made under the relevant compensation Act, whether or not the claim has also been the subject of proceedings in the Commission or a court, and 7
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 - (b) liability for the claim is denied on the ground that the disease was not contracted in the course of the worker's employment or that the employment was not a contributing factor, or a substantial contributing factor, to contracting the disease. 10
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- (5) However, a further claim for compensation may not be made as provided by subclause (4) if liability for the claim is denied on any ground other than a ground referred to in the subclause. 14
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- (6) In this clause— 17
amending Act means the *Workers Compensation Amendment (Firefighters' Diseases) Act 2025*. 18
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eligibility provision means an item of the 1987 Act, Schedule 4 inserted by the amending Act, Schedule 1[1]. 20
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relevant compensation Act, in relation to a claim for compensation, means the 1987 Act or the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987* under which the claim is made. 22
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2 Primary site oesophageal cancer 25

- (1) Subject to this clause, the relevant reduction amendment extends to primary site oesophageal cancer contracted by a firefighter in relation to which either of the following occurred before the amendment's commencement— 26
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 - (a) the cancer was first diagnosed by a medical practitioner, 29
 - (b) the firefighter died as a result of the cancer. 30
- (2) However, subclause (1) applies only if— 31
 - (a) a claim for compensation is made under the relevant compensation Act in respect of the cancer before the relevant reduction amendment commenced, and 32
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 - (b) liability for the claim has been denied, and the grounds on which liability has been denied include that the cancer was not contracted in the course of the worker's employment or that the employment was not a contributing factor, or a substantial contributing factor, to contracting the cancer. 35
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- (3) For the purposes of the application of the relevant reduction amendment to primary site oesophageal cancer under subclauses (1) and (2), the date of injury in relation to the cancer is taken to be the date on which the relevant reduction amendment commenced. 40
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- (4) A further claim for compensation may be made under the relevant compensation Act in respect of primary site oesophageal cancer if, before the relevant reduction amendment commenced— 44
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- (a) a claim for compensation was made under the relevant compensation Act, whether or not the claim has also been the subject of proceedings in the Commission or a court, and
 - (b) liability for the claim is denied on the ground that the cancer was not contracted in the course of the worker's employment or that the employment was not a contributing factor, or a substantial contributing factor, to contracting the cancer.
- (5) However, a further claim for compensation may not be made as provided by subclause (4) if liability for the claim is denied on any ground other than a ground referred to in the subclause.
- (6) In this clause—
- amending Act** means the *Workers Compensation Amendment (Firefighters' Diseases) Act 2025*.
- relevant compensation Act**, in relation to a claim for compensation, means the 1987 Act or the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987* under which the claim is made.
- relevant reduction amendment** means the amendment to the 1987 Act, Schedule 4 by the amending Act, Schedule 1[2] reducing the qualifying service period for primary site oesophageal cancer.