

c2025-292B
OPP--Opposition

LEGISLATIVE COUNCIL

Workers Compensation Legislation Amendment (Firefighters) Bill 2025

First print

Proposed amendments

No. 1 **Qualifying service period for oesophageal cancer**

Page 3, Schedule 1. Insert after line 31—

[5A] Schedule 4, Part 1, Column 2, as amended by item [5]

Omit “25 years”. Insert instead “15 years”.

No. 2 **Transitional provisions**

Page 4, Schedule 1[7], lines 6–13. Omit all words on the lines. Insert instead—

**Part Provisions consequent on enactment of Workers
Compensation Legislation Amendment
(Firefighters) Act 2025**

Category 2 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 category 2 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 6 August 2025 unless—
 - (a) a claim for compensation is made under the relevant compensation Act in relation to 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 category 2 disease, the date of injury in relation to the disease is taken to be the date on which the provision was inserted.

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- (4) A further claim for compensation may be made under the relevant compensation Act in relation to an existing category 2 disease to which an eligibility provision applies if, before the insertion of the eligibility provision—
- (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 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.
- (5) However, a further claim for compensation may not be made as provided by subclause (4) if liability for the claim is denied on a ground other than a ground referred to in the subclause.
- (6) In this clause—

amending Act means the *Workers Compensation Legislation Amendment (Firefighters) Act 2025*.

eligibility provision means an item of the 1987 Act, Schedule 4 inserted by the amending Act, Schedule 1[6].

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.

Primary site oesophageal cancer

- (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 commenced—
- (a) the cancer was first diagnosed by a medical practitioner,
 - (b) the firefighter died as a result of the cancer.
- (2) However, subclause (1) applies only if—
- (a) a claim for compensation was made under the relevant compensation Act in relation to the cancer before the relevant reduction amendment commenced, and
 - (b) liability for the claim was denied, and the grounds on which liability was denied included 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.
- (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.
- (4) A further claim for compensation may be made under the relevant compensation Act in relation to primary site oesophageal cancer if, before the relevant reduction amendment commenced—
- (a) a claim for compensation was made under the relevant compensation Act, whether or not the claim was also the subject of proceedings in the Commission or a court, and
 - (b) liability for the claim was denied on the ground 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 was denied on a ground other than a ground referred to in the subclause.

(6) In this clause—

amending Act means the *Workers Compensation Legislation Amendment (Firefighters) 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 of the 1987 Act, Schedule 4 by the amending Act, Schedule 1[5A] reducing the qualifying service period for primary site oesophageal cancer.

No. 3 **Meaning of “frontline hazardous firefighting activities”**

Page 6, Schedule 2[3], proposed section 10B(8), line 19. Omit “directly”.

No. 4 **Meaning of “frontline hazardous firefighting activities”**

Page 6, Schedule 2[3], proposed section 10B(8), line 23. Omit “directly”.