



**RURAL FIRE BRIGADES ASSOCIATION  
QUEENSLAND INC.** ABN: 37 417 474 709

Research Director  
Finance and Administration Committee  
Parliament House  
George Street  
Brisbane Qld 4000

### **The Rural Fire Brigades Association Queensland (RFBAQ) submission on the Workers Compensation and Rehabilitation and Other Legislation Amendment Bill 2015**

The Rural Fire Brigades Association Queensland is the acknowledged representative body for the 1,441 Rural Fire Brigades in Queensland who comprise 36,008 volunteers protecting 93% of the State.

The RFBAQ is a non-political, self-funded and democratically elected association that reflects the views of volunteer fire brigades in Queensland.

It is understood that submissions to the committee are unable to be published or reproduced in other forums. The Association wishes to point out that many of the submissions and recommendations are policies of the Association and we retain the right to not only promote but publicise these policies.

Upon reading the proposed Government Legislation that is before the Committee, the RFBAQ submits that it in its current form the Bill is unworkable, discriminatory and will see an exodus of volunteer firefighters from the brigades that will leave communities across Queensland vulnerable to future fire and weather events.

The QFES currently consists of 3 services within the 1 department. The Rural Fire Service Queensland, State Emergency Service and Queensland Fire and Rescue. Within the 3 services there are a number of distinct streams and a number of indistinct streams that allow for service provision across a very large state.

The proposed Government Legislation is one based on pay status and not upon service delivery or potential exposure.

Within the QFES there are -

*The below table is to be read in conjunction with Schedule 4 Specified Diseases of the proposed Government Legislation*

Permanent firefighters	Covered after 1 exposure in the schedule
Part time firefighters	Covered after 1 exposure in the schedule
Rural fire permanent Staff	Covered after 1 exposure in the schedule
Rural fire casual staff (RFI's)	Covered after 1 exposure in the schedule
Volunteer firefighters who also work casually for the QFES	Covered after 1 exposure in the schedule
Volunteer fire investigators	Covered after 1 exposure in the schedule
Volunteer firefighters	Covered after 150 exposures

## **How the Government's proposed legislation will fail volunteer firefighters**

A clear example of the failings of the proposed Government legislation is the common situation in which the commercial arm of the QFES (Training & Emergency Management (TEM)) wins a contract to provide services to a landholder for hazard reduction burning.

TEM then hires volunteer firefighters from a Rural Fire Brigade (RFB) on a casual basis to undertake the burn. These firefighters would need 1 exposure under the schedule to gain coverage. At the same hazard reduction burn, TEM retains the services of the local RFB to supply appliances at an agreed hourly rate and the brigade supplies unpaid volunteers to man the appliances. These firefighters would need 150 exposures even though they are standing in the same smoke.

Another example – Rural Fire Service Queensland is an organisation within the QFES that provides support and training to the 1,441 RFBs in Queensland. During the course of the year RFSQ staff support the volunteer firefighters during hazard reduction burns and most importantly support the volunteer firefighters during fires. The proposed Government Legislation would see these support staff covered from 1 exposure under the schedule, and the volunteers they support would need 150 exposures, even though they are standing in the same smoke.

The above are only 2 of many real situations where this proposed Government Legislation is impractical and where the 150 exposure limit is discriminatory.

### **150 exposures; not based on science**

The RFBAQ contests that section 36D of the proposed Government Legislation whereby the volunteer firefighter requires 150 exposures under the schedule is not based on scientific fact but rather the Government's willingness to pay, and is drawn from the original *Tasmanian Workers Rehabilitation And Compensation Amendment (Fire-Fighters) Bill 2013* that was introduced in 2013.

Initially the Tasmanian Legislation had the requirement of 260 exposures under the schedule or 520 exposures in 10 years for non-referred diseases. These exposure numbers were dropped to 150 after the Tasmanian Volunteer fire association successfully lobbied the Tasmanian Government for a reduction. This number may again be reduced in Tasmania following a proposed review of the legislation.

The RFBAQ also refers to the current *South Australian Presumptive Legislation Workers Rehabilitation and Compensation Act 1986* where in initial consultation the proposed number of exposures for volunteer firefighters was 150 under the schedule, and through successful lobbying by the South Australian Country Fire Service Volunteers Association this number was reduced to 1 exposure, which is the same as applies to part time and fulltime firefighters in that state.

The rider to that is that there is a 10 year sunset clause for claims by volunteer firefighters that does not extend to fulltime or part time firefighters in South Australia. This 10 year sunset clause was specifically mentioned by the *South Australian Parliamentary Committee Report Into The Referral Of The Workers Rehabilitation And Compensation (SACFS Firefighters) Amendment Bill* where the committee noted that -

*CONCLUSION The Workers Rehabilitation and Compensation (SACFS) Amendment Bill which was introduced into Parliament on 7 May 2014 has since been superseded by a*

*commitment by the Deputy Premier and the Minister for Emergency Services to provide SACFS volunteer firefighters with the same automatic entitlements to compensation to 12 prescribed cancers as career firefighters, without the need for them to prove how and when they may have contracted the cancer.*

*Since the Ministerial announcement, amendments have been made to section 31 of the Workers Rehabilitation and Compensation Act 1986 and to Schedule 3 of the Return to Work Act 2014 (which has not yet commenced). SACFS volunteer firefighters and SAMFS firefighters now have the same presumptive protection in the event that they contract any one of the 12 prescribed cancers.*

*However, volunteer firefighters have a 10 year time limit within which to make a claim after ceasing operational activities, while career firefighters are not prevented from making a claim at any time in the future.*

*This time restriction imposed on volunteer firefighters is likely to preclude some retired volunteer firefighters from making a claim for cancers of extremely long latency, unless they can prove a connection to their previous work as a volunteer firefighter.*

*The Monash University research confirms that volunteer firefighters are at an increased risk of dying in a fire and of contracting some cancers and this risk increases with more time served. Therefore, the prescribed qualification periods should be sufficient to establish a connection to work as a firefighter without the need for further barriers such as time limits.*

The introduction of a non-discriminatory model in South Australia with the proposed future removal of the 10 year sunset clause for volunteer firefighters under a Labor South Australian Government would see the Queensland Labor Government at odds with their South Australian counterparts.

### **Misleading information**

It is at this point the RFBAQ would like to question the Treasurer's statement to the House when introducing this Bill on Wednesday 15<sup>th</sup> July 2015 where he stated – '*No other deemed disease scheme in Australia offers volunteer firefighters unfettered access to common law damages.*'

This statement has also been the cornerstone of the Government Members' defence in the introduction of the proposed Government Legislation and was distributed as a media release on Thursday 16<sup>th</sup> July 2015 from Treasurer, Minister for Employment and Industrial Relations and Minister for Aboriginal and Torres Strait Islander Partnerships, The Honourable Curtis Pitt.

This is an incorrect statement, and the RFBAQ wishes the Treasurer to nominate a scheme that allows fulltime or part time firefighters '*unfettered access to common law damages*'?

The argument was never one of "unfettered access to common law damages" but one of equality for all firefighters regardless of whether volunteer or paid.

No State will ever permit unquantified damages for any class of firefighter (full time, part time or volunteer). Provision under legislation will always be in line with the Return to Work (WorkCover) legislation of each state.

### **Biology is a Science**

The commonality of all firefighters in Queensland is biological, and that is that we all have lungs.



To develop a discriminatory workers compensation law based on a firefighter's pay status and not the exposure type is a system that does not acknowledge that firefighters are first and foremost people.

For the Treasurer to make a statement in The Gympie Times 28<sup>th</sup> July 2015 - *"This includes any additional data or research that volunteers have on their exposure risk relative to permanent and auxiliary firefighters"* clouds the debate, as this proposed Government Legislation was never based on scientific research, rather a Government desire to reduce potential WorkCover premiums at the expense of the majority of the firefighters in Queensland.

### **Capacity to pay**

The crux of the matter is the potential costing of supplying Presumptive Legislation to a potential workforce of over 36,000 volunteer firefighters in Queensland.

Before the introduction of Presumptive Legislation in South Australia, the SA Government received advice that the cost to extend coverage to all firefighters would require the provision of \$90 million for a 5 year period. In actuality, now that the scheme is in place in that state, the number of claims from volunteer firefighters has been 3 claims in 2 years. Hardly the \$90 million that had been forecast in the absence of practical experience.

The RFBAQ met with representatives from the Queensland Treasury and Ministry on Thursday 8<sup>th</sup> July 2015, where this proposed Government Legislation was discussed. In this meeting the RFBAQ referred to the proposed costs in South Australia versus the actual, and asked what costings Treasury had undertaken in Queensland.

The senior Treasury official present stated that the estimated costing for covering full time firefighters, part time firefighters for 1 exposure under the schedule and covering volunteer firefighters for 150 exposures under the schedule was \$11.5 million per year.

The RFBAQ requested what the estimated cost of covering all classes of firefighters equally annually and was informed that these figures had not been costed.

This has left the Government introducing proposed Government Legislation that has now gone to Parliamentary Committee without comparative costing regarding the equitable protection of the largest component of service delivery within the QFES.

*(To cover any potential shortfall, the RFBAQ points to the Gold Coast water Desalination Plant that the Water Supply Minister Mark Bailey stated to the Gold Coast Bulletin on 3<sup>rd</sup> March 2015 cost the taxpayer \$15 million dollars annually to sit idle.)*

### **Attraction and retention of volunteers**

A Rural Fire Brigade is made up of community minded individuals who have a desire to defend their community as part of a team.

Volunteer firefighters are unpaid.

One of the greatest challenges for every volunteer fire brigade is the attraction and retention of volunteers.

For the Government to propose legislation that clearly states that the value to the state of a volunteer is less than that of a full time or part time firefighter is the surest way to discourage new volunteers and alienate existing volunteers.

The RFBAQ contests that this legislation if introduced will decimate brigades across the state and undo the work of many conscientious people over many years.

Through this proposed Government Legislation you will have created a schism within the wider QFES and introduced a system where the value to the state of a firefighter is measured by what type of employment status they hold.

Cancer is non-discriminatory, yet the retention of Section 36D clearly presents the risk that the legacy of this proposed legislation will be a vacuum in service delivery across Queensland.

### **The real ongoing cost of this discrimination**

The RFBAQ contests that the cost of introducing this proposed Government Legislation in an unchanged format will be a decrease in the capacity of Rural Fire Brigades across the state that will necessitate the employment of more part time and full time firefighters across Queensland to maintain the current service delivery capacity.

Citing Question on Notice No. 882 Asked on 26 November 2014 by the current Treasurer to the former Minister for Police, Fire and Emergency Services, Mr Dempsey -

*With reference to the projected growth in population in Queensland in the coming years and the need for increased staffing to maintain services— Will the Minister advise (a) the number of firefighters (FTEs) employed by the department in the 2014-15 and projected figures for 2015-16, 2016-17 and 2017-18 (broken down by region) and (b) the average cost of employing a firefighter including support costs in 2014- 15?*

The answer was -

*(b) The average cost of employing a firefighter including support costs in 2014-15 is \$211,000 per annum.*

The RFBAQ asks the question of the Committee; 'Can Queensland afford to increase the QFES budget to employ paid staff to provide the service that volunteer firefighters currently deliver willingly and for free?'

### **Climate change and the need for greater Rural Fire Brigade capacity**

There are diverse beliefs relating to 'Climate Change', ranging from it being 'man made' or 'natural warming' to those who do not believe that it is happening at all.

If as an organisation the QFES develops mechanisms around the acceptance that there may be emerging needs for community protection in response to CSIRO modelling for Queensland, that predicts increases in annual temperatures of 1.7 deg. C by 2030 and for rainfall events to be more severe with greater periods of below average rainfall in between.

This prediction would see a higher number of Level 2 & 3 wildfire incidents as well as more frequent and severe flooding and coastal inundation events. To meet these challenges and to increase the ability for local communities to defend themselves, there would be a need for volunteers to be trained to manage Level 2 & 3 incidents, as in other states and territories across Australia where volunteers already fulfil these roles in their communities.

In the event that 'climate change' is happening, the RFSQ will have to start building a greater level of depth with rural fire. If 'climate change' does not eventuate, then Queensland will have still moved towards the empowerment of local RFB's by increasing the training and depth of its volunteers' management ability for the good of all in the state and will have increased the capacity and depth of volunteer ability.

To introduce discriminatory legislation that will reduce the numbers of volunteer firefighters at a time when there needs to be an increase in the capacity for communities to defend themselves would be a failing for any government, as the primary function of a government is the need to defend and protect those they govern.

## Conclusion

Rural Fire Brigades meet the needs of their communities whether it be grass fire, scrub fire, house fire, road crash rescue, car fire or large animal rescue.

Volunteer firefighters work in the same smoke as full time and part time firefighters.

Volunteers have the same lungs as other fire service employees.

Allowing volunteer firefighters to equitably access presumptive legislation does not mean that they 'have won a prize', it means that they have contracted cancer and deserve the same support as is afforded to the casual or full time firefighters working alongside them.

The RFBAQ is committed to the representation of Volunteer Rural Fire Brigades across Queensland and will continue to pursue the implementation of equitable and fair cancer coverage for all firefighters.

In addition to the above submission, the RFBAQ makes itself available to appear before the Committee at a time that suits the Committee and looks forward to working with you in the support of all Rural Fire Brigades in Queensland.

Regards



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Rural Fire Brigades Association Qld

