



# LOGAN VILLAGE RURAL FIRE BRIGADE

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Ms Deborah Jeffrey  
Research Director  
Finance and Administration Committee  
  
Parliament House  
George Street  
BRISBANE QLD 4000

Email: [fac@parliament.qld.gov.au](mailto:fac@parliament.qld.gov.au)

Dear Ms Jeffrey,

**Re: Submission to Finance and Administration Committee on *Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2015***

On 28<sup>th</sup> July, the membership of the Logan Village Rural Fire Brigade (LVRFB) met to discuss the introduction of the 2 separate bills which is set to enshrine presumption of a firefighters work as a significant contributor to certain disease, in Queensland law. The brigade members were informed of the extraordinary meeting at the earliest possible moment (25<sup>th</sup> July 2015).

The discussion has yielded some comments and recommendations which the brigade nominated Mr Jay Pigot and Mr Clinton Neumann to prepare as submissions, as attached. There is a separate submission to address the similar bill, *Workers' Compensation and Rehabilitation (Protecting Firefighters) Amendment Bill 2015*.

The thirteen volunteer brigade members present at the extraordinary meeting agreed that both of the bills (including the [Workers' Compensation and Rehabilitation \(Protecting Firefighters\) Amendment Bill 2015](#)) being considered by the committee is a significant step forward from the current state, where legal protection for these kinds of disease for firefighters and in particular, volunteers in Rural Fire Brigades is negligible.

We request permission to publish this submission, at your earliest convenience. If you wish to discuss any points in further detail, please contact the brigade on 1800 58 3473 or [admin@lvrfb.org.au](mailto:admin@lvrfb.org.au).

Regards,

Cathy Neumann  
Secretary  
Logan Village Rural Fire Brigade

## Submission 1

### Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2015

#### Executive Summary

Of the key points being considered by the committee in relation to this bill, we chose to address only that division which relates to providing greater certainty of entitlement and accessibility to compensation for firefighters by introducing deemed disease provisions for firefighters with prescribed diseases.

With regard to this point, we ask for consideration of the following key points;

- 1) *Supported in full* – Division 3 Clauses 14 - 17
- 2) *Amendment to exposure qualifier* - Ideally the only qualifiers in the bill would be that a firefighter was classified as being a firefighter before diagnosis, that the firefighter is diagnosed with a listed disease, and that the firefighter served as a firefighter for the requisite period.
- 3) *Alternative amendment to exposure qualifier* - Propose an alternative mechanism to the '150 individual exposure incidents' if any such additional exposure qualifier should be required at all for volunteer firefighters
- 4) *Operational changes in support of the bill* - Regardless of the presence or absence of the additional exposure qualifier, the committee has been requested to weigh in on ensuring that QFES significantly improve the quality of and access to their corporate reporting system, for in its absence, there is insufficient reliable information on which to base any WHS incident investigation let alone such calculations as having met the *tenure* or *additional exposure* qualifiers in this bill.
- 5) *Inferior Personal Protective Equipment (PPE) and decontamination* – We also note significant issues with PPE which mean that volunteers may face greater exposure to carcinogens than their non-volunteer equivalents when attending at the same incident.

We ask the committee to consider harmonising this bill with the separate Workers' Compensation and Rehabilitation and Other Legislation (Protecting Firefighters) Amendment Bill 2015, however in doing so, the least onerous conditions, qualifications and requirements should be understood to be the intended outcome of such harmonisation.

## **Amendment and Alternative Amendment to Exposure Qualifier**

### *Amendment – No exposure qualification for volunteers*

There is a presumption in the bill that the accumulated years of service as a firefighter have yielded a level of exposure to carcinogens, and that all full-time and part-time firefighters after 5-25 years will have levels of exposure where it is reasonable to presume their job has been a significant contributor to these diseases.

It is clear however, that for volunteers there is a train of thought that after 25 years of service, the volunteer may still not have a level of exposure to carcinogens that points to their firefighting as a significant contributor, hence the additional exposure qualifiers (for example, 150 incidents) for volunteers.

We discussed C18 (S36D) (a-c) [page 24 of the [bill in PDF form](#)] at length, and would like to note that the brigade supports the alternative bill (*Workers' Compensation and Rehabilitation (Protecting Firefighters) Amendment Bill 2015*) for simplicity in omitting any additional qualifier when considering the presumption of one's firefighting contributing to their illness regardless of employment status (full time, part time, volunteer).

### *Alternative Amendment – Amended exposure qualification for volunteers*

Being realists, we considered that whilst Full Time and Part Time Fire Officers are compelled to attend fires during their duration of service, a person could remain a volunteer in a Rural Fire Brigade for extended time without attendance at any fires. To this end, we acknowledged that the additional qualifiers are likely to be desired by the government and by the insurer (WorkCover Queensland) to protect from either;

- a) the remote possibility of 'opportunistic membership' in brigades as a means of obtaining some kind of insurance against certain diseases, or
- b) the unlikely event that non-response volunteers attempting to access benefits for diseases, where involvement in a rural fire brigade is not a contributing factor

The brigade would like to propose for the committee an alternative mechanism to the '150 incidents' mechanism for a couple of key reasons;

- the nature of an incident as defined in C18(S36F)(1-2) means that it doesn't matter if you attend a fire for 5 minutes, or 12 hours, it is one exposure incident.
- exposure to 5 minutes of a smoke plume (plus the off-gassing of PPE for up to 3 hours depending on how quickly you can remove it) can have distinctly lesser influence on one's cumulative exposure to cancer causing agents than an exposure of 12 hours, however the current mechanisms will treat them equally
- 150 exposure incidents seem excessive and unrealistic and it is difficult to comprehend the reasoning for this

The alternative we propose is to change C18(S36D)(1)(c)

FROM:

if the person was a volunteer firefighter for any period of the person's employment mentioned in paragraph (b)—has attended at least 150 exposure incidents.

TO:

if the person was a volunteer firefighter for any period of the person's employment mentioned in paragraph (b)—has attended the lesser of at least 50 individual exposure incidents, or 100 hours of exposure time at exposure incidents.

C18(S36C) would need to be amended to include a second point to clarify the calculation of exposure time, thus being **all exposure incidents being deemed a minimum of 1 hour** as it would be uncommon to attend, control/extinguish the fire, return to the station and decontaminate within one hour. We further suggest that time be counted in 15 minute increments, past the minimum 1 hour.

In making this change, we acknowledge two things;

Firstly, that it may be impractical to pursue our ideal solution where there is no qualifier at all for a rural volunteer to be afforded protection by presumptive legislation, just as there is no qualifier for full and part time firefighters, but we understand the differences in compulsion to attend incidents and the difference in cumulative exposure.

Secondly, that attending longer duration fires will yield more exposure to carcinogens than shorter fires regardless of whether the fire originated from one 'igniting event' or not, therefore more accurately calculated the potential exposure to volunteer firefighters.

#### *Failing Amendment or Alternative Amendment to Exposure Qualifier*

In the absence of our change to C18(S36D) being adopted, it is critically important that we once more pause to give voice to our dissent around the idea that 5 minutes of exposure or 3 days' worth of exposure may be equivalent (if they are both from a single igniting event).

In reality, it is clear that a firefighter has experienced an exposure to carcinogens which is remarkably different in these two scenarios. If the incident count additional qualifier remains, we would suggest that every fire fought counts as 1, however the firefighter will be counted as having attended 1 additional fire for every additional 4 hours spent on the fire ground and amend C18(36F) to reflect that outcome.

To remove all doubt, the intent of this section of our submission is to articulate that it is our strong preference for the removal of separate qualifier for volunteers, with the view that the aforementioned alternative amendment is not ideal, but more acceptable than that proposed

and finally in the absence of compromise on those points, consideration must be given to calculate exposure for long duration/campaign events.

### **Operational changes in support of the bill**

In the event that the legislative amendment is not altered or is altered to something that has a kind of qualification for exposure for Rural Fire Service volunteers, operational changes will be required to QFES procedures to have a reliable data source for volunteer attendance at exposure events.

Currently, incident reporting – where completed – may not effectively record volunteer attendance at incidents and a reliable source of incident attendance history may not be available to support a volunteers' claim for assistance under this legislation, should it be endorsed.

There are three critical changes that the committee must require of QFES in support of the new legislation, if that legislation ends up with a qualifying level of exposure in addition to time served as a firefighter;

- 1) All rural brigade members should have read only access to incident attendance data the volunteer portal in order to be able to verify that their individual contributions (and exposures) are being captured accurately in corporate systems for their protection.
- 2) All Brigade Officers and First Officers must have access to complete/edit incident attendance records in order to ensure accuracy and to balance the administrative burden on QFES maintaining these records. First Officers would need to accept responsibility for these records being accurately maintained.
- 3) that there is some oversight or WHS auditing by an independent part of QFES leadership that ensures the records being created in the system adhere to a standard which will be useful in determining a rural volunteer's level of exposure to harmful material in the event of a relevant WorkCover claim.

### **Inferior Personal Protective Equipment**

In differentiating rural volunteers from full-time and part-time firefighters, it is perceived that there is an assumption that volunteers will be less likely to experience exposure to sufficient carcinogens to affect their health.

There are a number of flaws with this logic, and we've touched on it already to some extent, however a very important point we would care to point out is that rural volunteer personal protective equipment (PPE) and decontamination facilities and procedures are significantly inferior to those made available to full-time and part-time firefighters.

Volunteer's face;

- There is disparity in the quality and durability of respiratory protection, allowing far more carcinogenic material to make contact with the face, and with permeable membranes such as eyes, nose, mouth and lungs

- Clothing which again, is nowhere near the same quality and durability and thereby allows far more carcinogenic material to make contact and remain in contact with volunteer firefighter's skin
- Decontamination procedures which are significantly inferior where volunteers must launder own equipment, whereas part-time and full-time firefighters are able to bag their contaminated PPE and have it taken away for cleaning before they have to deal with it again. Without wanting to be alarmist this might mean that many volunteer brigades who do not have a washing machine (which would again still be well inferior to non-volunteer brigades) will be facing a situation reminiscent of the James Hardie situation which saw workers bringing carcinogens home in clothing, affecting their own health, as well as that of their partners and children via contaminated laundry facilities.

In each instance, it would benefit the committee to have a firm view of the varying types of PPE used by the different classification of firefighter to fully understand in a Queensland context, the difference in protection as photographs do not communicate this effectively.

Further, there may be a recommendation from the committee that QFES make efforts to ensure volunteer brigades to know and adhere to PPE management to reduce exposure (such as using respiratory protection at every incident, bagging and washing PPE at the station). There may be a significant cultural change for some elements of this.

*What does this mean for the bill?*

The brigade determined that these points purely go to discussing the validity of any qualifying clause beyond the *years of service* measure. The idea that we are at times attending the same fires, and we are doing so with inferior equipment to non-volunteer brigades, supports the notion that while the frequency of exposure may be lesser, the consequence of exposure can be greater than non-volunteer brigades attending the same fire. We use this as a means of illustrating that these additional qualifying conditions should be reconsidered.

## **Summary**

We commend the Honourable Member, Mr Curtis Pitt for introducing the bill to improve protection for firefighters, amongst other things. We support the concept, and look for consideration on removing or, at the very least, amending the exposure qualification requirements to provide more realistic opportunities for volunteers to be protected.

We had a brief discussion about the potential problem of 'opportunistic membership' in the brigades in order to achieve some level of health protection. We did not feel that many in our communities would bother to 'play the long game' in this way.

We figured that additional mechanisms such as requiring a health check or a medical on entry to the brigade to provide a health baseline might ease concern about this phenomenon, but that it is an unnecessary financial burden on potential volunteers, might hinder membership, and would likely be addressing an issue that didn't really exist in the first place.

In conclusion, the Logan Village Rural Fire Brigade would like to thank the members for Bulimba, Coomera, Broadwater, Barron River, Stretton and Condamine for considering our concerns with the Government's bill, and we would heartily welcome any requests for clarity or for further information via the below daytime contact details.

*First Officer; Ms Simone Hague*

[REDACTED]

[REDACTED]

*Volunteer Firefighter: Mr Jay Pigot*

[REDACTED]

[REDACTED]