



**The Country Fire Service
Volunteers Association**
"Representing the interests of CFS Members"

**Working together with CFS
REGIONAL COMMITTEES**

4th August 2015

Finance and Administration Committee
Parliament House
George Street
Brisbane QLD 4000

Email: fac@parliament.qld.gov.au

Dear Sir,

Re: Inquiries into the Workers' Compensation and Rehabilitation and Other Legislation
Amendment Bill 2015 and Workers' Compensation and Rehabilitation (Protecting
Firefighters) Amendment Bill 2015

Please find attached a submission from the South Australian Country Fire Service
Volunteers' Association in relation to the above mentioned Bills.

The information presented in this paper is based on South Australian experience which
resulted in equality under presumptive legislation being achieved for SACFS volunteer
firefighters.

The South Australian journey was by no means a simple one, but certainly worthwhile as it
has permitted SACFS volunteers firefighters fair entitlement to claim workers' compensation
for international recognised workplace related disease / injury.

The SA CFSVA trusts you will find this paper beneficial in assessing the current Bills before
the Queensland Parliament.

Sonia St Alban
Executive Director
Country Fire Service Volunteers' Association (Inc)
Email: [REDACTED]





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Overview

The South Australian Country Fire Service Volunteers Association commends the Queensland government for taking the initiative and acknowledging the high risk work carried out by Queensland firefighters and for proposing legislative changes through the Workers Compensation and Rehabilitation Bill to reflect the hazardous situations firefighters are exposed to on a daily basis.

The SA CFSVA has over the last few years has extensively researched the links between cancer; firefighting; and Government obligations under Workers Compensation and Rehabilitation in order to derive the following position:

A number of international scientific studies clearly identify that firefighters are at a greater risk of contracting certain types of cancers through direct exposure to dangerous chemicals and other fire hazards encountered as part of normal firefighting duties, and on this basis, future legislation must ensure that the onus of proof is removed from the fire fighter, and that those diagnosed with one of the specified types of cancer, and who meet the internationally recognised time frames are automatically covered under workers' compensation legislation.

Cancer is an insidious silent disease that unlike any other workplace injury does not manifest itself immediately. Research indicates that cancer cells may remain dormant for a considerable period of time before developing into a diagnosable disease.

Based on irrefutable scientific evidence it is absolutely inconceivable to suggest that multiple exposures are required for cancer to develop. The suggestion that a threshold of 150 exposures be set for volunteer firefighters is a ludicrous concept, based purely on financial considerations rather than workplace obligations, and has no scientific merit. Evidence clearly indicates that one exposure is all that is necessary to trigger one of the 12 identified cancer associated with firefighting.

The ideology by a number of State Government to assign presumptive legislation rights to paid fire fighters with limited or no rights of compensation to volunteer firefighters is serious flawed; has no validity; and is outright discriminatory. Fire and related hazards do not discriminate neither should a Government's obligations to its firefighters.

Queensland volunteer fire fighters, like their South Australian counterparts give their time generously to protect communities across the state and assist their paid counterparts at times of high demand. Volunteer firefighters not only contribute their time, but risk their lives to protect the lives and property of others, and it would be unconscionable for Government to amend legislation in favour of paid fire fighters whilst excluding Queensland's volunteer fire fighters.



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The South Australian Experience

On the 5th November 2012, the Premier of South Australia, the Hon Jay Weatherill MP and then Treasurer, the Hon Jack Snelling MP announced that the South Australian Government would introduce changes to the Workers Rehabilitation and Compensation Act 1986, to recognise specific cancers that worldwide research recognises as being more prevalent in firefighters.

It was soon made clear that the Premier's announcement was limited to SA Metropolitan Fire Service paid fire fighters and would not be applied to South Australia's 14,000 Country Fire Service volunteer fire fighters.

SACFS volunteers reacted swiftly to the Premier's announcement by mounting an unrelenting campaign against the Premier and State Government, seeking equality under legislation for all firefighters regardless of whether volunteer or paid. This ongoing campaign has subsequently resulted in the presumptive legislation being retrospectively applied to SACFS volunteer firefighters and is in line with their paid SAMFS counterparts.

It is important to note that whilst the SA CFSVA's argument was based on extensive scientific information, some of which is outlined above, the majority of SACFS volunteers viewed the Premier's announcement as outright discrimination, as up until the time of the Premier's announcement, both volunteer and paid firefighters were considered equally under the South Australian WorkCover Act.

The South Australian Government's argument was based on cost which had been estimated to be approximately \$90 million over a 4 year period should coverage be extended to SACFS volunteers, which the SA CFSVA did not accept, and argued that the economic benefit provided to South Australia by SACFS volunteer firefighters was being overlooked.

Although the SA CFSVA strongly disputed Government's cost estimates, the lack of historical information created a difficult argument, however ultimately the tenacity of the SA CFSVA and SACFS volunteers resulted in presumptive legislation being extended to volunteer firefighters under South Australia's 2014 Return to Work legislation.

Retrospectively, presumptive legislation has been in place in South Australia for all firefighters since 2013 and in this two year period there have been a total of 3 eligible claims made by SACFS volunteers for specified cancers as recognised under the legislation.



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Lessons learned from the South Australian experience

- The scientific evidence which identifies the direct links between the 12 specified cancers and firefighters is irrefutable.
- That one exposure is all that is necessary to trigger one of the 12 cancers more prevalent in firefighters; and that cancer unlike other workplace injuries does not manifest itself immediately.
- The South Australian Government's 4 year forward cost estimates have not been realised, with only 3 eligible claims by CFS volunteer firefighters lodged since 2013.
- The South Australian Government underestimation of the tenacity and relentless pursuit by SACFS volunteer firefighters of an issue which volunteers deemed as discriminatory and a direct breach of the Government's duty of care towards volunteer firefighters.

Conclusion

The SA CFSVA whilst tenacious in its pursuit of presumptive legislation for SACFS volunteer firefighters in South Australia hopes that no firefighters will ever have the need to claim under the presumptive legislation, however scientific evidence indicates otherwise.

A number of international scientific studies clearly identify that fire fighters are at a greater risk of contracting certain types of cancers through direct exposure to dangerous chemicals and other fire hazards encountered as part of normal firefighting duties, and on this basis, future legislation must ensure that the onus of proof is removed from the fire fighter, and that those diagnosed with one of the specified types of cancer, and who meet the internationally recognised time frames are automatically covered under workers' compensation legislation.

The ideology by a number of State Government to assign presumptive legislation rights to paid fire fighters with limited or no rights of compensation to volunteer firefighters is serious flawed; has no validity; and is outright discriminatory. Fire and related hazards do not discriminate neither should a Government's obligations to its firefighters.

Fire does not discriminate between paid and volunteer fire fighters neither should any Australian Government.