



VOLUNTEER FIRE BRIGADES VICTORIA

News Note

NOTES FOR VOLUNTEERS – 12 October 2015

Firefighters' Cancer Law – it's time for action in Victoria

Victorian Government promises legislation, but with a disturbing lack of detail

It is time for action; Queensland has passed legislation for fairer and simpler cancer compensation that treats volunteers and staff equally, while Victorian volunteers have been given promises, but no details and no action.

CFA volunteers fighting fires this summer have been told the Victorian Government will bring in legislation in 2016, but there are few details and significant unanswered questions;

- Will the legislation be retrospective – if a volunteer is diagnosed with cancer today, will they be protected?
- Will the legislation treat career and volunteer firefighters equally? Queensland and South Australian legislation does, but the older, out of date legislation in Tasmania does not.

Volunteers across Victoria need to show the Government that like Queensland and South Australian volunteers, they won't accept extra eligibility requirements such as arbitrary turnout thresholds that apply to volunteers but not their career colleagues.

Victoria's now Deputy Premier, James Merlino, said at a volunteer rally on 15 June last year, *'there shouldn't be any reason why we have to wait for presumptive rights legislation here in Victoria'*, which leaves volunteers who were there wondering why are we still waiting.

QUEENSLAND AND SOUTH AUSTRALIA HAVE SHOWN HOW IT IS DONE

Queensland passed its presumptive legislation for fairer and simpler cancer compensation for firefighters on 17 September 2015.

The Queensland legislation treats career and volunteer firefighters equally, and names the same 12 cancers and years of service requirements as are listed in the legislation already introduced by the Commonwealth and most States. It is the law that the incoming Victorian Government promised CFA volunteers before the 2014 State Election.

Queensland has followed the other Parliaments in recognising that firefighters are more prone to certain types of cancer, and removing a long standing barrier that blocks sick firefighters from receiving the cancer compensation to which they are entitled.

Queensland's legislation reverses the onus of proof. The cancer is presumed to be work related, provided it is one of 12 listed cancers and the firefighter has sufficient years of service.

This legislation is not a free ride; the firefighter's claim can still be rejected if it can be proved that the cancer was not related to firefighting duties.

QLD VOLUNTEERS TREATED FAIRLY DESPITE UFU CAMPAIGN AGAINST THEM

Queensland's law was passed after a Parliamentary Committee compared the issues, including the Labor Government's proposal for a discriminatory extra requirement that volunteers show 150 exposure incidents before they qualify for compensation; a relic from the out of date Tasmanian law.

VFBV provided a submission, calling for legislation treating career and volunteer firefighters equally while listing the same 12 cancers and years-of-service requirements used in the Commonwealth and other States' legislation.

Disappointingly, the United Firefighters' Union of Australia's submission to the Queensland Parliamentary Committee called for volunteers to show "a specified minimum of exposure incidents (150)", but no such requirement for the staff working alongside them.

The UFU submission was surprising given that VFBV and UFU have been pursuing a joint campaign in Victoria since 2012 to ensure all Victorian career and volunteer firefighters are provided with access to their rightful entitlements in the event that they contract cancer.

Queensland's Parliamentary Committee dropped the discriminatory extra requirement that volunteers show 150 exposure incidents, before the legislation went to a vote.

The Queensland legislation as passed on 17 September 2015. The Chair of the Parliamentary Committee, Labor MP Di Farmer, told the Queensland Parliament, "We were unable to identify any scientific basis for the inclusion of the 150 exposure incidents as being the appropriate measure for exposure by volunteer rural firefighters."

THE SITUATION IN VICTORIA

Victoria and NSW are the only States left with no legislation to help firefighters with cancer.

Victorian firefighters still face the near impossible barrier that all of the burden of proof is on them. The sick firefighter is expected to come up with the evidence, often more than exists in CFA's own files, when the cause of their cancer could be a fire or chemical spill 10 or 15 years ago.

Before the 2014 State Election, Victorian Labor announced that “*Victorian legislation for career and volunteer firefighters will reflect the cancers covered and timeframes for duty of service as in the Tasmanian legislation*” and explicitly contained no reference to unequal treatment or extra eligibility requirements for volunteers.

Since the election, the new Government has promised to introduce legislation in 2016, but has not come up with any details, leaving significant unanswered questions. The Government has told the media it is talking to stakeholders, although VFBV’s most recent letter to the Minister on presumptive legislation remains unanswered.

The State Government is well aware of our concerns over any possible discrimination in the form of extra eligibility requirements that only apply to volunteers, however, the Government’s letters to a number of volunteers since the election have hinted that it is considering imposing a requirement for an arbitrary number of turnouts before a volunteer becomes eligible for compensation.

WHAT VOLUNTEERS CAN DO NOW

Speak up now. Don’t wait until you know a volunteer who has cancer, and don’t wait until the State Government introduces discriminatory or inadequate legislation for Victoria.

- Ask your local Member of Parliament for their support – go and see them, write them a letter or send an email
- Raise the issue with your local media
- Post a comment or a meme on Facebook
- Talk to other volunteers and encourage them to speak up now

There is more information on the **VFBV Cancer Campaign Law** page at www.vfbv.com.au - call (03) 9886 1141 if you need advice, assistance or your local MP or newspaper’s contact details.

Questions to ask your State MP:

- Do they support presumptive legislation that treats career and volunteer firefighters equally?
- Do they support presumptive legislation that is retrospective, so volunteers are covered if they have cancer now, or are diagnosed before the legislation is passed?
- Will the MP raise the issue in Parliament now and call for an end to the delay?

For CFA volunteers suffering from work related cancer, the promised Victorian legislation can’t come fast enough, and it important that all CFA volunteers send a simple message to Members on both sides of Parliament; *we are sick of waiting.*

ADDITIONAL INFORMATION

The cancers and years-of-service eligibility requirements that appear in the Commonwealth and other States' legislation are;

Primary site brain cancer (5 years)	Primary site testicular cancer (10 years)
Primary site bladder cancer (15 years)	Multiple myeloma (15 years)
Primary site kidney cancer (15 years)	Primary site prostate cancer (15 years)
Primary non-Hodgkins lymphoma (15 years)	Primary site ureter cancer (15 years)
Primary leukaemia (5 years)	Primary site colorectal cancer (15 years)
Primary site breast cancer (10 years)	Primary site oesophageal cancer (25 years)