VFBV | VOLUNTEER FIRE BRIGADES VICTORIA

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MEDIA RELEASE

QUEENSLAND JOINS OTHER STATES ON FIREFIGHTER CANCER LAWS - STILL WAITING FOR VICTORIA

CFA Volunteers are watching with considerable interest as the Queensland Parliament begins the process to enact a law which gives all firefighters in Queensland - paid and volunteer - fairer cancer compensation rights.

Presumptive legislation now being enacted in most States except Victoria, works by reversing the onus of proof; the firefighter's cancer would be presumed to be work related provided the firefighter has sufficient years of service. The claim could still be rejected if it could be proven the cancer was not related to firefighting duties.

Volunteer Fire Brigades Victoria CEO Andrew Ford said the legislation is not about a new entitlement, it is about removing an unfair barrier that blocks sick firefighters from receiving the cancer compensation to which they are entitled.

"It's just a reversal of the onus of proof. Until now, Queensland firefighters have faced the same unfair barrier as Victorian firefighters; the near impossible task of providing sufficient evidence to prove the cause of the cancer arose from particular fires, incidents or other work duties - events that might have happened 10, 15 or more years ago," Mr Ford said.

"The Queensland presumptive legislation is the fairer and simpler cancer compensation law that Victoria's CFA volunteers have been promised, and are still waiting to see," he said.

"Queensland is joining South Australia, the Northern Territory, Western Australia and Tasmania, in moving to take away the unfair barrier that stops firefighters from accessing compensation when they suffer typical firefighter cancers," he said.

The Bill now before the Queensland Parliament specifically provides that there will be no discrimination between paid and volunteer firefighters, under the new cancer compensation rights.

More…

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The Queensland Bill lists the same 12 cancers and minimum lengths of service required to qualify as are standard under the laws adopted by the Commonwealth and most Australian States and Territories, but not Victoria as yet.

The Queensland Bill is what the current Victorian Labor Government promised Victorian firefighters in the lead up to the last election – it uses the same list of 12 cancers and the same years of service requirements as the current law in Tasmania, but without any additional eligibility hurdles that discriminate against volunteers.

"Current Tasmanian law includes additional discriminatory requirements that must be met by their volunteer firefighters, but thankfully these were not part of Victorian Labor's commitment to CFA volunteers," Mr Ford said.

"South Australia had similar discriminatory requirements in their original legislation but have now deleted them and given volunteers the same eligibility requirements as the paid firefighters who work alongside them," he said.

"We are hopeful that the Victorian Government will be in a position to announce details to support their promise at last year's election, in the very near future," Mr Ford said.

CFA volunteers who have contracted cancer currently face the difficulty that as volunteers they have no firefighter sick leave or superannuation to fall back on. Victorian law leaves all firefighters, career and volunteer alike, battling red tape and sometimes a long legal battle just to get a fair hearing, whilst they are forced to prove which fires or incidents might have caused their cancer.

It is nearly impossible to meet the standard of proof required by current Victorian law, just as it was under the laws that other States have replaced with fairer presumptive legislation for firefighters with cancer.

"After years of procrastination by the previous Victorian Government on presumptive cancer compensation rights for Victorian volunteer and career firefighters, Labor promised presumptive legislation just like the law that Queensland is now enacting," Mr Ford said.

"For our CFA volunteer members suffering from work related cancer, the implementation of this Labor promise can't come fast enough," he said.

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