VOLUNTEER FIRE BRIGADES VICTORIA

News Note

NOTES FOR VOLUNTEERS – Updated 9 April 2014

Presumptive legislation – the Firefighters' Cancer Law

As a CFA member you are probably aware VFBV and the United Firefighters' Union are campaigning for presumptive legislation to provide a fairer and simpler path to compensation for firefighters who contract typical firefighter cancers.

We are pursuing this because current Victorian law leaves you with an almost impossible task – you are entitled to cancer compensation, but to get it you must show evidence of fires or incidents you attended that might be 10 or 15 years ago and prove on the balance of probabilities which incidents or which toxic exposures caused your cancer.

Even with the State Government's new *Firefighters' Assessment Panel*, CFA's advice to applicants asks them to provide details of "specific exposures to hazardous substances you can recall and/or the names and dates of any large fires or incidents".

Scientific evidence already shows firefighters are more prone to certain cancers than the general public, because of their work. This evidence has been accepted by a Senate Inquiry, the Australian Parliament and three other State Governments, and it is time Victorian firefighters also had fair access to compensation. It is for this reason that we are seeking a change to the legislation to reverse the onus of proof.

We have been pursuing this since the Australian Parliament passed presumptive legislation for federally-employed firefighters in 2011. We have written to the Senate Inquiry, met with Federal MPs, successive State Ministers and senior Opposition MPs, put our case in the media, written to every State MP and contributed to the drafting of proposed legislation.

In Victoria, there has been strong support from the Greens, and Labor MPs voted in favour of allowing the Greens' proposals to be debated in Parliament and flagged their support. VFBV is extremely disappointed that the Coalition Government is unwilling to support Victoria's volunteers on this important issue at this time.

Ask your Government MP; why are they not supporting volunteers on this important issue?

The Victorian Coalition Government has put up a number of arguments;

- **They say they are waiting for more scientific research from Monash University,** even though the Monash researchers say "…there is already good evidence from a very large number of previous human studies that work as a firefighter is associated with an increased risk of several types of cancer," and that "waiting for more research… …will lead to unacceptable delays."

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- **They have said this will be too costly,** despite evidence to the Senate inquiry showing presumptive legislation overseas did not cause a rush of claims, Government cost estimates have reportedly run to many millions of dollars. VFBV strongly doubts those estimates, which don't seem to be backed by any claims data. And whatever the real cost, it is currently being met by sick firefighters and their families.

- **They have set up the Firefighters' Assessment Panel** to assess firefighters' compensation claims, but the Panel does not remove the unfair burden of proof on the firefighter and is potentially just another layer of bureaucracy.

- **They are suggesting there will be a flood of claims,** even though the proposed legislation only covers 12 cancers, requires firefighters to qualify with between five and 25 years of service and allows claims to be challenged in court where appropriate.

- **At least one Victorian MP and MPs in other states have suggested that volunteers don't need or deserve the same coverage as career firefighters,** this is discrimination, it is morally wrong and ignores Victoria's heavy reliance on volunteers in Melbourne, regional cities and country areas every day and night of the year.

The Coalition has promised to work with volunteers to consider presumptive legislation and assured us the Government has not ruled it out, but they did not even discuss the *Firefighters' Assessment Panel* with VFBV before launching it; they have not shared the figures behind those high cost estimates; they have used a legal technicality to prevent the Greens' draft legislation being debated in Parliament, and some called the firefighters' presence in the public gallery of Parliament a stunt.

Many Coalition MPs have not responded to VFBV's letters requesting their support.

The Government has used a list of arguments that volunteers are sick of hearing, they've praised volunteers and say they want to help us, but so far that has not translated into action.

VFBV has treated the issue on its merits rather than as a matter of politics, but politicians have not. We have asked for the same all-party support that the Australian Parliament's version of the legislation received, but the response of Victorian MPs has been clearly defined along party lines.

Ask your Government MP; why is the Government putting this important issue off with excuses?

We will continue, with letters and discussions with the Government, the Opposition and the media.

We've requested a meeting with the Assistant Treasurer to discuss any financial issues, we've explained our concerns to the Government about its *Firefighters' Assessment Panel*, and we are working through several claims with the Panel, even though it does not offer the straightforward outcome we seek. Government information for firefighters still calls for them to provide dates and incidents attended.

The Greens have drafted legislation and promoted the issue, they plan to run TV ads in selected areas, and although the draft legislation has lapsed they confirm their campaign is not finished.

VFBV seeks the support of all MPs and political parties; we urge volunteers to help increase the momentum on this important issue. We need you to;

- Spread the word among your Brigades, fellow volunteers and the community
- Write to any Victorian newspaper, calling for State MPs' support
- Contact local MPs and ask that they either take action to help or explain why they do not support fairer and simpler access to cancer compensation for Victorian firefighters

- Register your name and contact details with us at vfbv@vfbv.com.au or on (03) 9886 1141 so you can be part of any organised action in coming months.
- Visit our website www.vfbv.com.au to see how your local MP has responded to our letters
- Visit our website to register your interest or suggest how you might assist via spreading the word, writing letters, attending a public event, contacting local media, signing a petition or displaying messages
- Contact your local VFBV District delegate if you need to know more or want to help

THE EVIDENCE IS THERE

- Overseas evidence shows firefighters are more exposed to certain risks and that exposure leads to higher incidences of cancer – a link recognised by an Australian Senate inquiry
- The Australian Parliament passed presumptive legislation for Federally-employed firefighters in 2011, listing a number of cancers found to be more prevalent among firefighters.

  Monash University researchers have confirmed that view. In a letter to the Greens, researchers Associate Professor Deborah Glass and Professor Malcolm Sim wrote, *"…there is already good evidence from a very large number of previous human studies that work as a firefighter is associated with an increased risk of several types cancer. "*

- Tasmania now has presumptive legislation, WA has coverage for career staff and is drafting a matching Bill for volunteers, and the SA Government has legislation before Parliament.

THE MORAL ARGUMENT IS CLEAR

- This is a question of making it easier for firefighters to access their existing entitlement, not introducing any extra entitlement
- Presumption allows the firefighter to concentrate on treatment and recovery, not a lengthy and expensive court case.
- The need for presumptive legislation is based on established scientific evidence and any claim can be challenged in court, ensuring that successful claims are well based and justified
- The cost of providing proper compensation for our front line people is part of the cost of providing an effective emergency service – it should not be seen as an optional extra.
- Relying on complex processes to avoid claims and cut costs is unfair and unreasonable

THE NATURE OF FIREFIGHTERS' WORK AND SERVICE TO THE COMMUNITY WARRANTS THIS

- The risk is specific to firefighting - firefighting is an inherently dangerous job
- While others move away from fire or in other emergency roles work further from the exposures, firefighters are moving in – they have no choice, they must go in
- Unlike a broken bone or other workplace accident, a firefighting related cancer is very difficult to connect to the incident that caused it; the firefighter is still entitled to compensation but the burden of proof makes it close to impossible to obtain

THIS IS IMPORTANT TO VOLUNTEERS

- Volunteers don't get paid but they deserve proper access to support where it is needed
- Failing to compensate firefighters is making an unfair demand upon volunteers, making them and their families pay a heavy price for their generous, and often courageous, contribution to the community.
- In Victoria, volunteers and career firefighters do similar work, fight the same fires, face the same exposures – they deserve the same protection

- Volunteers are particularly vulnerable, as they have no sick leave or superannuation to fall back on

HOW THE PARTIES HAVE RESPONDED TO GAINING SUPPORT FOR PRESUMPTIVE LEGISLATION

	INDICATING SUPPORT	VOTED TO ALLOW DEBATE IN PARLIAMENT	ACTIVELY CAMPAIGNING FOR SUPPORT
Liberal/National	X	X	X
Labor	✓	✓	X
Greens	✓	✓	✓

Western Australia – Career firefighters are now covered by presumptive legislation and the WA Government is drafting matching legislation to cover volunteers who mainly fight structure fires. It has advised volunteer representatives that legislation will operate from the same date as the career version.

Federally-employed firefighters, including those at Melbourne Airport, are covered by presumptive legislation. ACT volunteers are not covered.

Tasmania – Liberal MPs voted with the Labor Government to pass presumptive legislation, with some limitations on coverage of volunteers. Volunteers are working to remove discriminatory aspects of the legislation.

South Australia – new SA legislation places a discriminatory eligibility requirement on volunteers, causing anger among volunteers, who are campaigning to remove the discriminatory element from the legislation. However the fact remains that another state has accepted the need for presumptive legislation for firefighters.

Victoria – proposed legislation rejected on a technicality. Greens plan to try again, Labor has promised in-principle support. Coalition Government opposed attempts to debate the proposed legislation in Parliament.

ACTION FOR CFA VOLUNTEERS

Ask your local MP three questions;

- Do you support removing the unfair barrier to cancer compensation for firefighters?
- If not, what is your reasoning?
- What are you doing to help your local volunteers on this important issue?

Visit the VFBV website www.vfbv.com.au for the latest update - register your details there or email vfbv@vfbv.com.au if you'd like to help in the campaign with local MPs, the media and the community