

The Chair

Finance and Administration Committee

## **Submission on Presumptive Legislation**

My name is Warren Kelly. I am a volunteer firefighter with 35 years of experience, having started in the NSW Bushfire Brigades in 1980. I served 25 of those years in NSW and the last 10 here in Queensland. I am Group Officer for Thuringowa RFB Group, First Officer of Black River & Districts RFB and have been a volunteer firefighter advocate for the last 6 years. I am thankfully healthy however I have known firefighters who have died from or are currently suffering from Cancer.

It is recognised that both major parties have supported the introduction of Presumptive Legislation with regard to Queensland Firefighters. Thank you for taking time to read this submission.

### **Background**

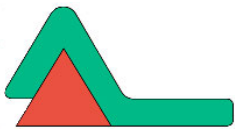
Queensland has approximately 2000 + active career firefighters and a further 2000+ Auxiliary Firefighters which attend to around 7% of the State's fire related incidents. The other 93% of this great state is covered by a network of volunteer firefighters and fire wardens numbering some 36000.

Presumptive legislation was introduced into parliament with the *The Workers' Compensation and Rehabilitation (Protecting Firefighters) Amendment Bill 2015* (which does not have any pre requisite for volunteer firefighters to attend a specific number of events in addition to the proposed schedule). This shall be referred to as the Bill

This was shortly followed by the tabling of *The Workers' Compensation and Rehabilitation and Other Legislation Amendment Act 2015*, (Referred to hereafter as the Act).

Both the Act and the Bill set the framework for the presumption that a person's employment as a firefighter is accepted as being a significant contributing cause of a number of cancers including a service qualifying period as shown in the table below:

Additionally in the Act, Volunteer Firefighters are required to meet additional criteria under Section 36D (1)(c) which states " 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." Which is in addition to the minimum time frames in the table below.



# Thuringowa Rural Fire Group

*From the desk of Group Officer Warren Kelly M.A.I.E.S – Thuringowa RFB Group - 2 Heathcote Ct Deeragun QLD 4818*

<b>Cancer</b>	<b>Years of Service in <i>operational</i> <i>role</i></b>
primary site brain cancer	5
primary site bladder cancer	15
primary site kidney cancer	15
primary non-Hodgkins lymphoma	15
primary leukaemia	5
primary site breast cancer	10
primary site testicular cancer	10
multiple myeloma	15
primary site prostate cancer	15
primary site ureter cancer	15
primary site colorectal cancer	15
primary site oesophageal cancer	25

## **Objective**

The amendment Bill and Act do not make allowances for those persons employed by landowners for the purpose of bushfire mitigation and primary response. The Act also clearly discriminates against volunteer firefighters.

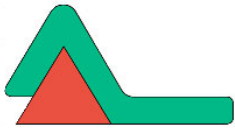
Local Government (on behalf of the State of Queensland) and other Government / Non Government agencies provide land management for vast tracts of land in Queensland.

Queensland Fire & Emergency Services have articulated that the landowner is responsible for fires on their land and as such have primary first response obligations within the guidelines of the Fire & Emergency Services Act 1990. To this end, many of these land managers employ persons for fire mitigation and response. These people perform a similar function to Rural Fire Service Volunteers and as such are exposed through their employment to similar carcinogens. It is remiss of the Government to apply a level of presumption to only one part of a greater set of firefighting personnel.

Rural Fire Service volunteers, are being recognised alongside paid firefighters however in the Act, the volunteers are being discriminated against by being asked to attend 150 exposure events in addition to the number of years required in the schedule.

While it is difficult to quantify a volunteers service, the application of a specific number of exposure events in addition to those expected of a permanent or auxiliary firefighter is hardly fair.

For example, in some localities in the state, an auxiliary firefighter may only attend 10 callouts per year of which only 3 may see the firefighter exposed to hazardous chemicals. This firefighter has an entitlement under this Act after just 5 years. This would equate to 15 exposure instances.



# Thuringowa Rural Fire Group

---

*From the desk of Group Officer Warren Kelly M.A.I.E.S – Thuringowa RFB Group - 2 Heathcote Ct Deeragun QLD 4818*

---

Permanent and Auxiliary firefighters are (and have been for many years) provided with a far higher standard of personal protection than their volunteer counterparts, ranging from helmet design to clothing design and respiratory protection.

The “paid” variety firefighter has less exposure risk to Smoke than a volunteer as their respiratory protection is far greater than the P2 Particulate masks currently in use. When you consider that volunteer firefighters are also involved in hazard reduction burns and often are exposed to the event for longer periods ( there is no such thing as over time or shift changes) their exposure is likely going to be greater.

Many people who have faithfully protected their communities (paid and unpaid) through their service and exposure to the many toxins attributed to firefighting are already suffering the nightmare that is Cancer. Many of these have a great chance of remission while sadly many also are simply trying to have some semblance of quality of life waiting for the day they die.

These people may have cases already in the system and some may also still be getting over the shock of discovering that they have a death sentence. ALL however, have served the community. Many of these will still be required to prove that their cancer is related to their job and this is a deplorable component of both the Act and the Bill.

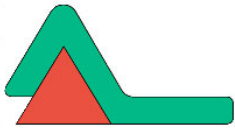
The presumptive legislation is supposed to remove the red tape around the process for cancer patients yet the presumption only applies to those who have the time. The ones who need this most are those who have already been diagnosed and who are likely to have less time to live. How cruel is this part of both the Act and the Bill?

How do you tell one dying person that they have to fight the Government while you tell another they don't?

## **Recommendation**

It is recommended that the following be considered and recommended by the Finance and Administration Committee review.

- The complete removal, (As applicable) of the requirement for volunteer firefighters to attend ANY number of exposure events.
- Inclusion in the definitions of firefighter as any person employed (either in a paid or unpaid capacity), to conduct the duties outlined as fire fighting (including hazard mitigation burning).
- Ideally, the removal of timeframes and the application of a single number of qualifying years to a blanket 7 years or other reasonable number.
- Consideration on a case by case basis, those whose Cancer was diagnosed before the Tabling of the Act or the Bill ( to allow some retrospectivity especially for those who have less time to live)



# Thuringowa Rural Fire Group

---

*From the desk of Group Officer Warren Kelly M.A.I.E.S – Thuringowa RFB Group - 2 Heathcote Ct Deeragun QLD 4818*

---

## Conclusion

Cancer is a non-discriminatory, often terminal disease which can strike anyone , anywhere and at any time. The cancers that affect firefighters do not discriminate on the basis of what colour truck you operate from nor does it enquire as to your rate of pay or employment status.

People, governing bodies, insurers and lawmakers are the ones who differentiate between people who intrinsically do the same job and are exposed to similar products. People also have the power to ensure that the decision about who is covered and who is not is fair and equitable, after all, is not equity a building block to good governance?.

Whilst the first step to making the process fairer for firefighters in this country has been taken, the next step, which is the one being taken by the Queensland Parliament now needs to apply the measure of fairness that we as Queenslanders are known for, a true presumptive act.

It is time for our Government to remove that which discriminates between the people who constantly give of themselves regardless of whether they paid or unpaid, government or non-government.

It is time to include all persons who protect life and property through the provision of fire mitigation and response activities. It is time to show the rest of Australia who we are and how fair dinkum we can be in supporting one another, neighbour helping neighbour.

Sincerely



.A.I.E.S

Group Officer

Thuringowa Rural Fire Group

Rural Fire Service Queensland



27 July 2015