

Mr David Cains
Branch Manager
Workers' Compensation Policy
Department of Jobs and Small Business

Sent by Email to: WorkersCompensationPolicy@jobs.gov.au

Dear Mr Cains

Thank you for your invitation to Airservices to provide a submission to the review of the fire fighter provisions in the *Safety, Rehabilitation and Compensation Act 1988* (the Act).

As an employer of Aviation Rescue Fire Fighters (ARFF), Airservices supports efforts to streamline or simplify access to compensation for fire fighters, particularly where those efforts are supported by scientific evidence. Please find our specific input below.

Section 7(8) of the Act requires Comcare to presume that, where a fire fighter of ex-fire fighter is diagnosed with one of 12 prescribed cancers, the person's employment as a fire fighter contributed to a significant degree to the cancer. Since 4 July 2011, 23 worker compensation claims for cancer have been made by current and former Airservices fire fighters and 22 of those claims have been accepted. Airservices does not have data showing how many of the accepted 22 cancer claims were accepted with the benefit of the presumption.

Where the presumption does not apply, Comcare follows the usual process of considering any medical evidence linking the cancer to the person's employment as a fire fighter. Comcare should be able to provide more specific information on the number and details of cancer claims accepted where the presumption did not apply.

Addition of diseases

We note the Review is considering whether there are further diseases that warrant inclusion in the list prescribed at subsection 7(8) of the Act. Airservices submits that the addition of a disease to the prescribed list should be supported by scientific evidence of causation, or at least strong correlation, between employment as a fire fighter and the disease.

If lung cancer is added to the list of prescribed cancers, the Review should consider including a specific definition of 'non-smoker'. In the definition, passive smoking by a person should be considered. The Review should consider qualifying conditions other than being a non-smoker. For example, whether the person was exposed to carcinogens outside of their employment as a fire fighter.

Reduction of qualifying periods

In regards to the qualifying periods for the current list of prescribed cancers and whether these should be reduced, Airservices submits that any reduction in the qualifying periods should be supported by scientific evidence. The Review should consider equivalent fire fighter presumptions in State and Territory workers compensation legislation.

A fire fighter diagnosed with cancer who does not meet the qualifying periods may still apply for workers compensation using the standard process. The standard process involves Comcare considering whatever evidence is available supporting the claim that the person's employment contributed to the cancer. In short, not benefiting from the presumption does not preclude a claim being accepted.

Coverage of volunteer firefighters

Airservices does not employ any fire fighters on a volunteer basis. However, our professional fire fighter workforce includes a significant number of people who are concurrently, or used to be, volunteer fire fighters.

If the benefits of the fire fighter provisions of the Act were to be expanded to benefit volunteer fire fighters, this may complicate the determination of liability when a professional fire service employs a person who is or used to be a volunteer fire fighter. Any expansion of the fire fighter provisions to include volunteer fire fighters should be accompanied by a process for apportioning liability between the volunteer service and the professional service.

I trust the information is of assistance. We would be happy to discuss any of the above in further detail if there was interest.

Yours sincerely



Jason Harfield
Chief Executive Officer

29 April 2019