



Australian Government

Department of Veterans' Affairs

OFFICE OF THE SECRETARY
PRESIDENT REPATRIATION COMMISSION

Mr David Cains
Branch Manager – Workers' Compensation Policy
Department of Jobs and Small Business
10-14 Mort Street
CANBERRA ACT 2601

Dear Mr Cains

David,

Thank you for your letter of 4 April 2019, inviting the Department of Veterans' Affairs (DVA) to provide a submission to the Department of Jobs and Small Business' review of the *Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Act 2011* (Firefighters Act) under the *Safety, Rehabilitation and Compensation Act 1988* (SRCA).

I note that the review will examine the "presumptive" liability provisions introduced for Commonwealth firefighters under subsections 7(8) and 7(9) of the SRCA (which were replicated for military firefighters under the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* (DRCA) upon commencement of the Act) and report on whether the provisions continue to operate appropriately and in line with the most up to date scientific literature.

This is an important issue for DVA as the Department has been working closely with a group of ex-serving Australian Defence Force (ADF) firefighters who, due to a unique set of transitional arrangements, have been prevented from accessing the "beneficial" provisions introduced by the Firefighters Act. The arrangements are also not available to claims made under the *Military Rehabilitation and Compensation Act 2004* (MRCA) for service after 1 July 2004 or the *Veterans' Entitlements Act 1986* (VEA), both of which are determined by reference to Statements of Principles (SoPs).

The firefighter group continues to voice concerns that their health has been affected by occupational exposures during their service. However, gaps in the exposure records of individual members, combined with a limited body of occupational health research has created issues with the acceptance of claims from the group.

In response to the shortcomings in occupational research, DVA has commissioned and published seven independent studies since 2012 which are focussed on ADF Firefighters. This includes two studies that were underway at the time the Firefighters Act provisions were last examined in late 2013 by Dr Raelene Sharp. The first study involved a case-by-case examination of the medical and compensation files of 71 former RAAF firefighters by Dr Graeme Peel (Peel Case Review 2014). The second study involved a literature review of the occupational health risks for both ADF and civilian firefighters (Guidotti Literature Review 2014).

GPO BOX 9998
CANBERRA ACT 2601

TELEPHONE (02) 6289 6736
FACSIMILE (02) 6289 6257
INTERNET www.dva.gov.au

Saluting Their Service

As President of the Repatriation Commission, I wrote to the Chairperson of the Repatriation Medical Authority (RMA) on 17 September 2018 to seek their views regarding two of the latest research projects commissioned by DVA for ADF firefighters that were completed by King's College London (2016/17) and Douglas Consulting Pty Ltd (2018/19).

The RMA is an independent statutory authority that develops and reviews SoPs for all diseases, injuries and deaths that could be related to military service, based on sound medical-scientific evidence.

On 4 January 2019, the RMA advised that the two reports contained sufficient evidence to consider firefighting activities in the review of SoPs for Melanoma, Malignant Neoplasm of the Bladder and Malignant Neoplasm of the Renal Pelvis and Ureter. The methods used by the RMA to review research can be found at:

<http://www.rma.gov.au/assets/FOI/b86ad94e3b/The-guidelines-for-researchers-document.pdf>

It is important to clarify that SoPs are disallowable instruments for use in the assessment of claims under the MRCA and the VEA but not under the DRCA. On that basis, the provisions introduced by the Firefighters Act under the SRCA (which were replicated under the DRCA) remain an important part of the DVA claims process. As such, the Department will explore ways to ensure that ADF members with claims under the DRCA are not prevented from accessing the provisions, where appropriate.

DVA also intends to continue research in the area of occupational health for ADF firefighters and welcomes the opportunity to add to the evidence base that currently exists between our two agencies. I am pleased to provide DVA's submission to the review, consisting of the seven DVA commissioned ADF Firefighter studies referenced at Attachment A.

DVA would also be happy to respond to any further requests from the Department of Jobs and Small Business to assist in this review where appropriate. The best point of contact is Edel Kairouz, Assistant Secretary, Policy Development Branch, on (02) 6289 4898.

Yours sincerely



Liz Cosson AM CSC
Secretary
President, Repatriation Commission

16 May 2019

List of DVA Firefighter Studies

1. Peel Case Review 2014

A case-by-case examination of the Defence service and medical records, and DVA compensation files of 71 former RAAF firefighters by Dr Graeme Peel, an occupational physician with a military background. This review examined the compensation outcomes and medical evidence used in the assessment of claims for this cohort. The report indicated that in the 71 cases examined, the claims outcomes appeared to be reasonable and not unexpected. The report also did not find a cluster of life threatening conditions.

The case file review report was finalised in February 2014 and can be found at the following link:

<https://www.dva.gov.au/about-dva/publications/research-and-studies/health-research-publications/health-risks-and-occupation>

2. Guidotti Literature Review

To support the file review by Dr Peel, an international expert on the impact of chemical exposure on firefighters, Professor Tee Guidotti, undertook a medical-science literature review examining the occupational health risks for both ADF and civilian firefighters.

The Guidotti report was a comprehensive evaluation of the international literature on the associations between firefighter occupational exposures and particular conditions. The report made a number of recommendations for presumptive liability to be accepted for certain medical conditions. Because the recommendations were based on his assessment of the literature using a "weight of evidence" benchmark, results cannot be applied to DVA compensation policy.

The literature review report was finalised in February 2014 and can be found at the following link:

<https://www.dva.gov.au/about-dva/publications/research-and-studies/health-research-publications/health-risks-and-occupation>

3. Fourth Mortality and Cancer Incidence – Firefighter Sub-Study

This study included 193 ADF firefighters who have been Tier classified under an ex-gratia scheme that was established by DVA for F-111 fuel tank repair and maintenance workers who served at RAAF Base Amberley between 1977 and 2000. Numbers were too small for any definitive conclusions.

The study was finalised on 17 October 2016 and the sub report on ADF Firefighters can be found in Appendix F of the study at the following link:

<https://www.aihw.gov.au/reports/veterans/mortality-cancer-incidence-in-aircraft-maintenance/contents/table-of-contents>

4. Kings College London Literature Review of Eight Studies

Professor Nicola Fear, Professor of Epidemiology at Kings College London, was commissioned by DVA to conduct a literature review of eight firefighter studies known to the firefighter group. In general, the methodological quality of the studies was rated as fair to poor. Convincing evidence was found for melanoma but downgraded to limited evidence for an association with the firefighter occupation in supplemental work.

DVA asked King's College London to undertake supplemental work to identify the level of medical evidence from the world literature for 12 cancers prescribed in the *Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Act 2011*, plus melanoma.

The review report was finalised on 31 May 2016 and can be found at the following link:

<https://www.dva.gov.au/health-and-wellbeing/research-and-development/health-studies/firefighter-literature-review-report>

5. King's College London (KCL) Occupational Health Research Studies Review Examining the Occupational Health of Firefighters, Phase 1 and Phase 2.

DVA commissioned this independent review of the world medical literature to assess the current level of evidence for 12 cancers prescribed under the *Firefighters Act*.

Melanoma was added to the review from the previous KCL study.

This KCL review was delivered in two phases: Phase 1 extracted and evaluated the quality of papers published in scientific databases relating to cancer incidence/mortality in firefighters or the 12 prescribed cancers plus melanoma. The review focused on Australian Defence Force firefighters. KCL deemed 17 papers to be of suitable quality and provide sufficient levels of information to go through to phase 2. Only one of these papers investigated Defence Force firefighters.

Phase 2 assessed the evidence for an association between firefighting and the 13 prescribed cancers (including melanoma), other non-cancer outcomes, subtypes of leukaemia and latency periods in the 17 selected papers.

Phase 1 of the review was finalised on 22 December 2016.

Phase 2 of the review was finalised on 27 October 2017.

Both reports can be found at the following link:

<https://www.dva.gov.au/health-and-wellbeing/research-and-development/health-studies/firefighter-literature-review-report>

6. Firefighter Chemical Review

Defence identified as many as 132 chemical contaminants in the ground as part of remediation activities undertaken at RAAF Base Point Cook fire training facility. Firefighter representatives claim they have been exposed to these chemicals during fire training since the 1960's.

In December 2017, DVA commissioned Douglas Consulting to develop toxicological profiles for chemicals listed as contaminants within the RAAF, Point Cook former fire training area in Victoria Australia ('Architecture, Engineering, Consulting, Operations, and Maintenance' (AECOM) Report) and determine the adverse health conditions by reference to the Repatriation Medical Authority's (RMA) Statements of Principles (SoP's) where exposure to one or more of the chemicals is listed as a Factor.

DVA also asked Douglas Consulting to identify the chemicals (and therefore the subsequent conditions) not listed under the SoP's as well as summarise the known toxicity of these chemicals as mixtures and the products of combustion.

Overall, the firefighter Chemical Review, combined with the review of the SoPs and a Literature Review, suggested that consideration be given to including a "firefighting" factor in a number of SoPs for 26 conditions including mesothelioma.

On 4 January 2019, the RMA advised the MRCC that there was some evidence relating to Firefighters as a result of this research (including the research by King's College London). Therefore, the RMA would consider firefighting in the review of three types of cancers:

1. Melanoma of the skin
2. Malignant Neoplasm of the Bladder; and
3. Malignant Neoplasm of the Renal Pelvis and Ureter.

The RMA held its first meeting for these investigations on 9 April 2019.

Currently, Bladder cancer and Ureter cancer are covered under the Firefighters Act. However, melanoma is not. The RMA will provide a specific focus on ADF Firefighting when it carries out its review of melanoma.

The review report was finalised on 9 April 2018 and can be found at:

<https://www.dva.gov.au/health-and-wellbeing/research-and-development/health-studies/firefighter-chemical-review-report>

7. *Firefighter Chemical Review – Extension to Review Additional Chemical Substances – ARP1701.*

This follow-up review examined a list of additional chemicals to those already considered under the terms of the first Firefighter Chemical Review.

Similar to the previous Firefighter Chemical Review, the extended Firefighter Chemical Review identified the extent of coverage already established by the RMA and recommended health conditions associated with these new chemicals. Overall, the extended review added '*Conjunctivitis*' and '*Epileptic Seizure*' to the previous review.

DVA accepted the extended review on 19 February 2019 and publicly released the report on 12 April 2019. As with the first report, DVA is now asking the MRCC to refer the report to the RMA for consideration regarding SoPs.

The report can be found at the following link:

<https://www.dva.gov.au/health-and-wellbeing/research-and-development/health-studies/firefighter-chemical-review-report>