

30 April 2019

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

Via email: [workerscompensationpolicy@jobs.gov.au](mailto:workerscompensationpolicy@jobs.gov.au)

Dear Mr Cains

We write to you on behalf of the Hall Volunteer Rural Fire Brigade in relation to the review of the firefighter provisions of the *Safety, Rehabilitation and Compensation Act 1998* (SRC Act).

The *Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Act 2011* (Firefighters Act) simplified compensation for firefighters under the SRC Act. The Firefighters Act amended the disease provisions of the SRC Act to provide timely access to compensation for paid firefighters who contract a prescribed cancer as a result of their employment. The Firefighters Act introduced a presumption of liability and qualifying periods for prescribed cancers diagnosed on or after 4 July 2011.

However, the Firefighters Act — unlike the amendments made to the relevant workers compensation legislation in New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania in recent years — did not provide for timely access to compensation for volunteers. This means that ACT volunteer firefighters are not provided the same protections as volunteer firefighters in all other jurisdictions.

It is unclear as to why this anomaly exists between ACT volunteer firefighters and volunteers in the rest of Australia. Moreover, it is not clear why volunteer firefighters in the ACT are treated differently than their paid counterparts. Particularly as our breathing protection equipment is not as advanced and decontamination procedures and equipment are highly limited compared to our paid counterparts.

ACT Rural Fire Service (RFS) volunteers are exposed to the same risks as volunteers in other jurisdictions. In fact, ACT RFS volunteers spend a considerable time on operational duties in other jurisdictions — working side by side with volunteers and paid firefighters who are able to access timely compensation for prescribed cancers. In the 2018-19 bushfire season alone, volunteers from the ACT RFS were deployed to Queensland, Victoria and Tasmania as well as operating in New South Wales on numerous occasions.

The presumption of liability for prescribed cancers should be extended to volunteer firefighters under the SRC Act. Moreover, this protection should have retrospective application for prescribed cancers diagnosed on or after 4 July 2011 so that volunteer firefighters have the same coverage as our paid counterparts do.

We also believe that lung cancer in non-smokers should be included among the listed cancers. The World Health Organization has associated biomass smoke with increased incidence and severity of cardiopulmonary disease, including human lung cancer. A recent study published in the journal *Environmental Health Perspectives* in January 2018,<sup>1</sup> found the greatest lung toxicity was from eucalyptus smoke (when compared to red oak and pine). Eucalypts grow in abundance in Australia and are highly susceptible to bushfire. For a legislative protection mechanism aimed at assisting firefighters, it must take account of the environment in which firefighters operate (e.g. eucalyptus areas) and the consequences that such operations expose firefighters to. Therefore, lung cancer should be included in the prescribed list as well.

We would be happy to discuss these matters further.

Kind regards

Bill Henderson

President

Tony Hazelton

Captain

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<sup>1</sup> Kim, Y. H.; Warren, S. H.; et al, *Mutagenicity and Lung Toxicity of Smoldering vs Flaming Emissions from Various Biomass Fuels: Implications for Health Effects from Wildland Fires*, 26 January 2018, <https://ehp.niehs.nih.gov/doi/10.1289/EHP2200> (accessed 18 April 2019).