



VOLUNTEER FIRE BRIGADES VICTORIA

News Note

31 October 2018

Note to members (please read, discuss and circulate widely)

PRESUMPTIVE LEGISLATION FOR VOLUNTEERS AND CAREER FIREFIGHTERS PROMISED BY LIBERAL NATIONAL COALITION.

On Saturday the Victorian Liberal Opposition leader Matthew Guy MP and Brad Battin MP Shadow Minister for Emergency Services promised a Liberal National Government will introduce a Presumptive Legislation Bill in the first parliamentary sitting week of 2019 if elected this November.

Brad Battin has confirmed that the legislation proposed by the Victorian Liberal Opposition addresses key principles raised by VFBV, including:

- will cover the 12 specified cancers and qualifying periods as per Commonwealth legislation;
- will treat volunteers and paid firefighters equally for eligibility and will not apply extra hurdles or process for volunteers;
- will include exposures occurring because of firefighting training activity;
- will provide support mechanisms to establish eligibility where historical records are deficient, like the QLD approach. Will NOT twist this process in a way that creates a barrier to volunteer eligibility;
- will include provisions to provide special consideration for exceptional exposure events
- will NOT be tied to other unrelated legislation or negative change, policy, parameters etc as a pre-condition for it being introduced to parliament; and
- will be introduced to parliament in the first sitting week of 2019, if Liberal Nationals elected this November

This is welcome news and comes on the back of many years of broken promises and political games surrounding this issue.

This is an issue fundamental to supporting firefighters, yet its progress has been frustrated by broken promises, proposals that discriminated against volunteers and for the past year has been inappropriately and immorally tied up as a ransom note and condition of people caving into the Victorian Governments agenda of dismantling CFA and giving more control of CFA to the UFU.

VFBV has been campaigning for this important legislation since 2011 and feel very frustrated that despite promises made by the current State Government during the lead up to the last State election we are now the only state in Australia that does not have this legislation in place.

VFBV has consistently argued that the health and safety of our firefighters should be a priority, above politics. Whilst we congratulate the Liberal National Coalition for making this announcement it is important that volunteers now re double our efforts to encourage all politicians to immediately make it a bi-partisan commitment.

Volunteers now need to directly contact your local MP and candidates running in the coming Victorian State election and let them know that:

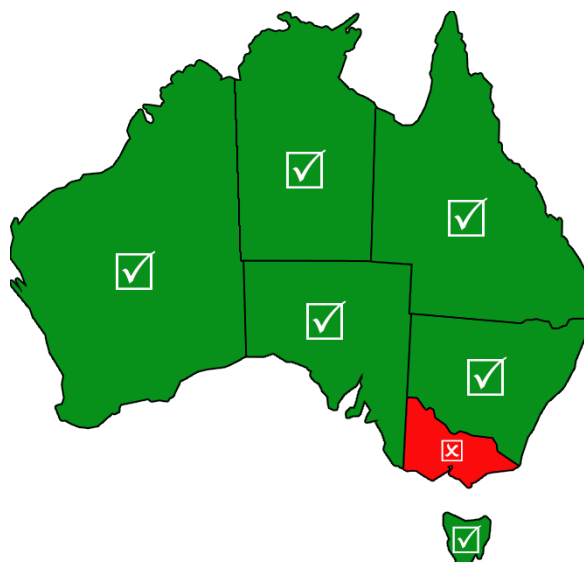
- we want all politicians to immediately commit to bipartisan support for simple, non-discriminatory presumptive legislation for all Victorian firefighters;
- the move by the Victorian Government earlier this year to tie legislation protecting firefighter's health to unrelated and flawed legislation to dismantle CFA was a huge slap in the face for CFA volunteers and our paid firefighter colleagues.
- as firefighters across Victoria prepare for a busy and high-risk summer period the least they should be offered peace of mind to know that if they contract cancer as a result of their firefighting duties there will be simple and fair protection that will look after them rather than drag them into complex and unfair legal battle as is currently the case.
- CFA volunteers are extremely frustrated that the current political and industrial game playing with CFA means that we head into summer without this cancer protection
- we call on all politicians to commit to supporting the commitment announced today by the Liberal National coalition
- we also call on every politician to promise never again to tie the firefighter cancer protection issue or any other support for firefighter's health to any agenda to dismantle CFA or any agenda to diminish the important work that volunteers do

Ask your local MP to explain to you why a firefighter's health in Victoria is less important than firefighters in every other state? And let them know that we think holding firefighter's health as a ransom note for politically motivated destruction of CFA is immoral and irresponsible.

VICTORIA IS THE ONLY STATE WITHOUT PRESUMPTIVE LEGISLATION FOR FIREFIGHTERS

Scientific evidence already shows firefighters are more prone to certain cancers than the general public, because of their firefighting activities. This evidence has been accepted by a Senate Inquiry, the Australian Parliament and all other State Governments, and it is time Victorian firefighters also had fair access to compensation.

VFBV has worked actively with volunteer representative bodies in all other states to ensure this protection is implemented and to ensure that legislation in each state does not discriminate against volunteers. So whilst we endure continued frustration here in Victoria it's great to see the legislation in place in each other state.



With the New South Wales Government tabling its Presumptive Legislation recently, this leaves Victoria as the only State in Australia that does not provide presumptive legislation for its firefighters.

Unlike the inferior legislation proposed by the Victorian Government (earlier this year) linked to the carve up of CFA and discriminating against volunteers, the NSW legislation treats volunteer and paid firefighters equally, is simple, has no arbitrary incident activity thresholds hurdles applying for volunteers and does not impose an arbitrary cut-off limit post service.

TO RECAP – IMPORTANT BACKGROUND

Presumptive legislation is commonly referred to as the Firefighters’ Cancer Law – it is designed to provide a fairer and simpler path to compensation for volunteer and paid firefighters who contract typical firefighter cancers.

Presumptive Legislation removes the almost impossible barrier to accessing their existing entitlements. Because of the long onset periods of cancer, firefighter’s have to prove their cancer was caused by one particular fire or incident that might have happened 10 or 15 years ago.

Presumptive Legislation reverses the onus of proof – the firefighter’s cancer would be presumed to be work related provided the firefighter has sufficient years of service. A firefighter’s claim could still be rejected if it could be proven that the cancer was not related to firefighting duties.

Presumption allows the firefighter to concentrate on treatment and recovery, not a lengthy and expensive court case.

The cancers and years-of-service eligibility requirements that appear in the Commonwealth and other States’ legislation are;

Primary site brain cancer (5 years)	Primary site testicular cancer (10 years)
Primary site bladder cancer (15 years)	Multiple myeloma (15 years)
Primary site kidney cancer (15 years)	Primary site prostate cancer (15 years)
Primary non-Hodgkins lymphoma (15 years)	Primary site ureter cancer (15 years)
Primary leukaemia (5 years)	Primary site colorectal cancer (15 years)
Primary site breast cancer (10 years)	Primary site oesophageal cancer (25 years)

A broken promise

VFBV has been advocating for this specific outcome since 2011 and have consistently argued that the health and safety of our firefighters should be a priority, above politics.

In 2013, the Greens tried to introduce standalone legislation – but it was opposed by the Liberal/National Government of the day and ruled out under Parliamentary procedure.

In October 2014 VFBV called on both sides of politics for bi-partisan support – with the first batch of signatures on the CFA Volunteers’ Cancer Petition tabled in the Victorian Parliament by Labor MP Luke Donnellan and Liberal MP Neale Burgess. With 16,000 signatures, it was one of the largest petitions presented to that Parliament.



During the 2014 State election campaign, James Merlino MP (Deputy leader of the then opposition) pledged that an incoming Labor Government would introduce Presumptive Legislation and told volunteers it would be within the first 100 days of a newly elected Labor Government. They promised that "Victorian legislation for career and volunteer firefighters would reflect the cancers covered and timeframes for duty of service as in the Tasmanian legislation" and explicitly contained no reference to unequal treatment or extra eligibility requirements for volunteers.

Almost three years later, the government introduced extremely controversial legislation in May 2017, alarmingly tying a deficient firefighters presumptive cancer legislation proposal to legislation changes that would dismantle CFA and further erode the CFA Chief Officers power and control of CFA resources. Not only was that legislation developed without consultation with volunteers, and without involvement of representatives from Emergency Management Victoria, the Country Fire Authority or the Metropolitan Fire Brigade the Government then ignored concerns raised by volunteers and even stooped to the extent of falsely claiming that the presumptive legislation aspects were somehow what the VFBV had been asking for and the same as a good model then in place in QLD - both claims blatantly incorrect.

The proposed legislation received wide spread condemnation for discriminating against volunteers, being ill-conceived, driven by an industrial interference agenda, diminishing and discouraging volunteer capacity, dismantling the CFA integrated model and eroding the CFA Chief Officers power and control of CFA resources.

The Government received wide spread criticism that it was appalling that their proposed legislation combined two totally separate issues, one being firefighter's presumptive compensation rights for cancer illness caused by firefighting duties and the other being the proposed fire services restructure to essentially carve up CFA, one as a ransom note for the other.

Based on concerns raised about the proposed legislation, including fundamental flaws and the lack of transparency underpinning its development, the legislation was referred to a Parliamentary Fire Services Bill Select Committee in mid-2017. That Committee provided a detailed report in August 2017 making a number of key findings and recommendations. One of those recommendations was that Part 2 of the Bill, 'Firefighters' Presumptive Rights Compensation' should be reintroduced to Parliament as a stand-alone Bill to be considered on its merits.

With the Government refusing to support separating its presumptive legislation portion of the bill from its deeply unpopular reform agenda, the Victorian Upper House (Legislative Council) remained opposed, with Labor remaining one vote short from getting support for its deeply flawed legislation.

In late March 2018, seizing on the absence (and hospitalisation) of one MP who had indicated she did not support the legislation, the Government used its numbers to extend the sitting of the Upper House late into the evening. And due to the ill MP being unable to return to parliament the Government, with the support of the Greens and Reason Party MPs, rammed the Bill through to its second reading stage.

A couple of days later, the final vote in the Upper House came on the back of an unprecedented all night sitting of the Upper House on Easter Good Friday. The Legislative Council began at approx. 0930am on the Thursday morning, and was forced to sit for almost 26 hours straight, with the all-night sitting forced to push through to well into Good Friday, the first time in Victorian history.

During this sitting, there was a motion put by Daniel Young MP on behalf of the Shooters, Fishers and Farmers Party to split the Bill and appropriately separate the firefighter's presumptive compensation rights for cancer illness aspects of the Bill from the proposed fire services restructure aspects. This would have enabled the presumptive compensation aspects of the bill to proceed and be amended to fix the differential treatment of volunteers. Mr Young's motion, had it been supported would have enabled a vote to be put that evening and presumptive legislation would already be in place in Victoria.

That day Coalition and independent MP's indicated they would support the presumptive legislation aspects of the Bill if it were separated, however Mr Young's motion to split the Bill was defeated by one vote. Liberal and National MPs along with Shooters Fishers and Farmers MPs and Vote 1 Local Jobs MP supported the motion to split the bill and enable presumptive legislation to proceed, Labor, the Greens and Reason Party MP's voting against it, blocking the passage of Presumptive Legislation for firefighters to be treated on its own, and dooming the legislation from passing that day.

On the 8th May this year, the Shadow Minister for Emergency Services Brad Battin MP attempted to introduce a standalone Bill in the lower house to provide Presumptive Legislation for firefighters. This motion was opposed by the Government, who used their numbers to block its introduction.

Now as at 27 October 2018, as part of the 2018 election campaign, the Liberal Nationals have announced that if elected a Liberal National Government will introduce a Presumptive Legislation Bill in the first sitting week of 2019. Importantly, they have promised that their legislation would treat volunteer and paid firefighters equally.

For CFA volunteers and firefighters suffering from work related cancer, the promised Victorian legislation can't come fast enough, and it is important that all CFA volunteers send a simple message to Members on both sides of Parliament - ***we are sick of waiting.***



What volunteers can do now

Speak up.

Ask your local Member of Parliament and any candidate standing in the coming November Victorian State Election for their support – go and see them, write them a letter or send an email, let them know that:

- we want all politicians to immediately commit to bipartisan support for simple, non-discriminatory presumptive legislation for all Victorian firefighters;
- the move by the Victorian Government earlier this year to tie legislation protecting firefighter's health to unrelated and flawed legislation to dismantle CFA was a huge slap in the face for CFA volunteers and our paid firefighter colleagues.
- as firefighters across Victoria prepare for a busy and high-risk summer period the least they should be offered is to know that if they contract cancer as a result of their firefighting duties there will be simple and fair protection that will look after them rather than drag them into complex and unfair legal battle as is currently the case.
- CFA volunteers are extremely frustrated that the current political and industrial game playing with CFA means that we head into summer without this cancer protection
- we call on all politicians to commit to supporting the commitment announced today by the Liberal National coalition
- we also call on every politician to promise never again to tie the firefighter cancer protection issue or any other support for firefighter's health to any agenda to dismantle CFA or any other unrelated issue

Ask your local politicians to explain to you why a firefighter's health in Victoria is less important than firefighters in every other state? And let them know that we think holding firefighter's health as a ransom note for politically motivated destruction of CFA is wicked, immoral and irresponsible.

Ask them for a clear-cut answer - Do they support presumptive legislation that treats volunteer and paid firefighters equally?

Ask them to specifically commit that they will support stand-alone, unambiguous, no tricks presumptive cancer legislation?

And while you are there, ask them to promise they will not support any action, legislation or policy that will dismantle CFA.

Visit VFBV website for further information and visit SupportCFAVolunteers.com to see what politicians are saying or to share important feedback.