



22 February 2022

Dear Member of Parliament,

On 1 December 2021, the Labor Government introduced an omnibus Bill in the Victoria Legislative Assembly that attempts to amend eight different Acts.

One of those Acts is the *Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019* (**Firefighters' Presumptive Rights Act**).

The effect of the amendment extends firefighters' presumptive rights to a non-firefighter cohort (mechanical workers) – despite there being no scientific basis for doing so. The amendment will compromise the scheme that was put in place for the Firefighters that sacrifice their quality and quantity of life in protecting the community that they serve.

This may not be the intention of the Andrews Government. However, to seek to amend legislation that has been established to protect Firefighters is extremely disrespectful to those Firefighters who are battling occupational cancer or have passed from occupational cancer.

I understand that this correspondence is lengthy, but I respectfully urge you to take the time to read the published testimonies from Firefighters who were battling, or had battled, occupational cancer, and the widow who gave testimony on behalf of her husband who had passed from occupational cancer.

The testimonies included in the 2011 Senate Inquiry, and extracted in this letter to you, are from:

1. Senior Station Officer Paul Henderson
2. Operational Firefighter Dean Symmans
3. Leading Firefighter Ross Lindley
4. Leading Firefighter Scott Morrison (since passed from occupational cancer)
5. Janet Reed (widow of operational Firefighter Robert James Reed who passed from occupational cancer).

The firefighters' reality

Firefighters' presumptive rights provides a legislative protection to firefighters who contract certain types of cancer as a result of their service in protecting the community.

Professional career firefighters contract cancer at a higher rate than the general population because of the chemicals they're exposed to in structure (house) fires. This is an unavoidable risk professional firefighters face in protecting the community that they serve.

It is not an option for a professional firefighter to not enter a burning building to save life and property.

An unavoidable risk

Firefighters wear Personal Protecting Clothing (PPC) inside structure (house) fires. This helps protect a Firefighter from heat and flame.

But PPC must breathe to release the metabolic heat build-up as a result of the Firefighter working within this high-temperature heat & flame environment. If the PPC did not breathe, the Firefighter's major organs would overheat and the Firefighter would perish. The design of Firefighter uniform is an unavoidable compromise.

As a Firefighter is working hard to put out the fire, upwards of 10,000 toxins and chemicals leech into their skin and, consequently, their blood stream. This is known as dermal absorption. This is an unavoidable risk. It is a Firefighter's reality.

The Australian journey to presumptive legislation: 2011 Senate Inquiry

In 2019, the Firefighters' Presumptive Rights Act passed the Victorian Legislative Council. However, the journey to achieve firefighter presumptive rights commenced in the previous decade.

Career firefighters have long known that they and their colleagues were contracting – and dying from – cancer at higher rates, and much younger, than usual. But the inherent risks of the profession were little understood.

The scientific research that has emerged over the last 3 decades, in particular, has placed Firefighter health in the spotlight. Study after study shows that Firefighters that enter structure (house) fires contract certain types of cancer at a higher rate than the general population.

The Australian Senate Inquiry into the provisions of the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 was the first time that an Australian Parliament examined the scientific nexus between firefighting and cancer.

Firefighters – and widows of Firefighters – gave testimony during this Inquiry. Their experiences reinforced the importance of access to Firefighters Presumptive Rights:

Firefighters' Presumptive Rights is based on internationally accepted scientific research that recognises the unavoidable risk of Firefighters entering burning structures and absorbing tens of thousands of toxins and carcinogenic materials despite wearing Personal Protective Clothing.

Senior Station Officer Paul Henderson commenced his career as a Firefighter in 1976 and was diagnosed with testicular cancer in 2007:

I will not personally benefit from this Bill, and neither will my family. But I feel just as strongly about this as if it was going to cover me and my family.

I found the lump myself though self examination and mentioned it to my doctor at a health monitoring appointment that is standard practice for the fire brigade. I was being vigilant because I knew of other firefighters that had testicular cancer and knew the earlier it was diagnosed the better chance the person had. I was aware of the link between firefighting and testicular cancer. I understand that testicular cancer is more commonly a young man's disease, but I had known older firefighters to be diagnosed with it so I remained vigilant.

Presumptive Rights acknowledges that, although a Firefighter cannot pinpoint which one of the thousands of fires they attended or which one of the tens of thousands of chemicals they have been exposed to, scientific evidence overwhelmingly demonstrates that Firefighters contract cancer at higher rates due to the cumulative exposure to toxins and carcinogens from entering burning buildings.

Presumptive Rights provides an entitlement that otherwise should exist for Firefighters. Without Presumptive Rights, Firefighters are forced into a process of lengthy, costly litigation.

Leading Firefighter Ross Lindley joined the (former) MFB in 1984 and was diagnosed with multiple myeloma in January 2009:

*[Talking about workers' compensation] I actually applied. I was one of the firefighters that Craig Sidebottom spoke about. The wife and I went in. It is very frightening when they tell you this is what you have to prove, this is what you have got to do: **you will take it to court; you will have to fight the insurer; if you lose you are going to have court costs; chances are you are going to lose it because you have to find this information, which is near impossible. So we let it slide. We thought it was just too hard—let's get better.***

Without presumptive rights, Firefighters are forced to exhaust their leave entitlements and, after that, rely on donations from their colleagues.

Western Australian Operational Firefighter, Dean Symmans, had been a firefighter for 26 years at the time he gave testimony. He had been diagnosed with leukaemia in 2009:

During my illness with leukaemia fire fighters and my Union rallied to support my family with monetary assistance to help cover the costs with travel and other expenses. Fire fighters maintained my family car and house in my absence over the initial 12 months. Albany fire fighters also travelled 400kms to visit me in hospital. Perth fire fighters sat with me bedside whilst treatment was administered.

My big fear was if I did not stay in remission—which I am at the moment, thankfully—I would need to have stem cell transplants. If that takes place it would further chew out sick leave and I would then have to fall onto a charity that the firefighters themselves have set up. It is a sick and death benefit fund. I was, as I said, trying to preserve what sick leave I had left so that I could battle through my treatment.

In the case of the late Scott Morrison, a Leading Firefighter from Melbourne, who was diagnosed with non-Hodgkin's Lymphoma in 2001:

When I did run out of sick leave I was lucky enough to have great work mates who put their annual leave up for me so I would not lose money. I cannot thank them enough.

...

They helped me get through everything. I love those guys. Ever since I went back to work I have said 'I owe you all that much.' I learnt to cook and from then on I have cooked lunches every day for the guys. Whatever I could do for them, if they need something, I would go in the car and do it for them. Still to this day I thank them for helping me survive what I went through.

When I was extremely ill there were times when I thought I was dying. I felt that I was going to die. There were times when it was extremely painful and I hoped I would die. When I looked at my two sons and my wife I thought, 'I cannot die yet because I want to enjoy my life with them.'

Without Firefighters' Presumptive Rights, the ill Firefighter (and their family) suffer further stress without any access to compensation while battling cancer.

Janet Reed provided testimony regarding her husband, operational Firefighter Robert James Reed, who died of cancer in 2009:

I am here to ask you to carefully go through this presumption legislation and to consider it, because if this had been available to Rob and me when he had cancer it would have made our life easier. I am here for Rob. That is why I am here. And I believe that if Rob had not had to return to work after he had his operation—he had his kidney removed—after he thought that the cancer was all gone, I believe there would have been a lot less stress in our lives and maybe the lower stress would not have accelerated his cancer so quickly.

There was no compensation readily available to us and it was not something that we had strength to go and seek money for litigation of any kind when we were going through such a hard time especially when his cancer came back six months after he was diagnosed. The last thing that any person needs to do in that situation is to worry about seeking compensation when you are already worrying about how you are going to get through the cancer. That is why I think it is important for me to be here today to let you know that just having cancer alone is a struggle and the financial part is a bigger struggle again that you do not have the strength to fight.

Following this testimony, and the subsequent Final Report, the Federal Firefighters Presumptive Rights' Bill passed Parliament. Firefighters' Presumptive Rights was subsequently campaigned for and passed in Parliaments around the country.

There is no other profession that:

- experiences high rates of occupational cancer
- requires personnel to enter burning buildings to save life and property
- faces the unavoidable risk of tens of thousands of toxins and carcinogen leeching into one's skin and blood stream despite donning industry-best, breathable Personal Protecting Clothing.

It is not an option for a Firefighter to not enter a burning building to save life and property.

Firefighters' Presumptive Rights is for firefighters, and no other profession.

The integrity, viability and purpose of Firefighters' Presumptive Rights must be protected.

The UFU urges the Victorian Government to protect the protectors – and keep Firefighters' Presumptive Rights for the workers that **need it most** – Firefighters.

If you would like a briefing on this matter – and the workable options available to the Government without affecting Firefighters' Presumptive Rights – you may contact me via org1@ufuvic.asn.au or mobile 0419 127 004.

Yours Sincerely,

Peter Marshall

National & Victorian Branch Secretary

United Firefighters Union of Australia