



VOLUNTEER FIRE BRIGADES VICTORIA

News Note

NOTES FOR VOLUNTEERS – 12 June 2014

The Firefighters' Assessment Panel fails to help sick firefighters

As volunteers will be aware, VFBV has been campaigning since 2011 for the introduction of presumptive legislation – the Firefighters' Cancer Law – to give firefighters fairer and simpler access to cancer compensation.

In that time the Australian Parliament (supported by all major parties), then the Tasmanian, West Australian and South Australian Parliaments, have passed presumptive legislation covering 12 cancers known to be more common in firefighters than the general public.

Presumptive legislation works by reversing the onus of proof for any of the 12 cancers known to be more prevalent in firefighters. The cancer is presumed to be work related if the firefighter has sufficient years of service. It allows a sick firefighter to concentrate on their treatment and recovery instead of a court case.

However, despite our continued efforts, the Victorian Government remains opposed to introducing presumptive legislation and has resorted to what appear to be delaying tactics, including saying it is waiting for more research when even the researchers say “waiting for more research... ..will lead to unacceptable delays.”

In August 2013, the State Government introduced its Firefighters' Assessment Panel (FAP), promising it would ensure “prompt, compassionate and fair assessments for all claims”, but since then, VFBV and volunteers with cancer have found it does none of those things.

This news note explains;

- How the FAP process fails to help sick firefighters,
- Behind the scenes developments, and
- How you can help to change this unfair situation

The Minister for Police and Emergency Services Kim Wells and Assistant Treasurer Gordon Rich-Phillips announced the Firefighters Assessment Panel (FAP) as though it would remove the unfair barrier to firefighters accessing the compensation to which they are entitled.

In a letter to VFBV, Minister Wells said the FAP process would “...ensure and expedite the equitable treatment of any claims queries and medical assessments under the existing schemes”. He said “the Panel will comprise expert medical, technical and claims specialists to ensure prompt, compassionate and fair assessments for all claims.”

A week later Assistant Treasurer Rich-Phillips launched the Firefighters Advisory Service hotline, saying it was "...dedicated to providing information and advice to career and volunteer fire fighters considering lodging a compensation claim for cancer" and "... will help firefighters understand the claims process and give further reassurance that their claims will receive prompt, compassionate and fair assessments".

Since then, we have found the State Government's Firefighters' Assessment Panel process only adds to the bureaucracy, and the Firefighters Advisory Service hotline does not offer any advice.

VFBV and volunteers suffering cancer have found that;

- The Firefighters Assessment Panel process still presents the same core problems as the current unfair legislation – it requires the firefighter to prove the cancer was caused by one particular fire or incident that might have happened 10 or 15 years ago, the very problem we are trying to fix
- The FAP process is far from prompt, taking months to supposedly process a claim
- The FAP process creates considerable administrative and process burden for the volunteer and with the sick firefighter expected to be able to produce more information than exists in CFA's own files
- The so called Firefighters' Advisory Service just takes the volunteer's details and posts them an application form
- The sick firefighter has no contact with the Firefighters' Assessment Panel, and receives next to no help with his or her application
- The volunteer gets no chance to respond to incorrect information given to the Panel
- Volunteers report the compensation system seems lengthy, bureaucratic and weighted towards preventing their claim succeeding, instead of helping the sick firefighter in their time of need

One claim took five months and expected the sick volunteer to put in many hours of research. After the claim was rejected, the volunteer discovered the Panel had been given incorrect information. The sick volunteer now needs to resort to legal action just to get a fair process.

It is now clear that the State Government's Firefighters' Assessment Panel process is none of the things that were promised, it is not prompt, it is not compassionate and it is not fair.

Attached is a summary of the VFBV assessment of the FAP process and the issues/concerns raised with Government in early march this year, VFBV has received no response to the issues raised.

VFBV has responded to volunteer calls for sterner action, and we urge all volunteers to take action at the local level; gathering signatures for our statewide petition, fundraising to support our campaign and asking your local MP why they are not actively supporting fairer access to cancer compensation for firefighters – ask in person, send an email or write a letter.

Go to www.vfbv.com.au to download a copy of the petition, to read about how our VFFOI Trust Fund supports our campaign, publicity for firefighting related illnesses and a possible legal test case, or to make a donation to the fund.

Ends...

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