

**FIREFIGHTERS AND EMERGENCY VOLUNTEERS LEGISLATION AMENDMENT
(COMPENSATION) BILL 2016**

Receipt and First Reading

Bill received from the Assembly; and, on motion by **Hon Michael Mischin (Attorney General)**, read a first time.

Second Reading

HON MICHAEL MISCHIN (North Metropolitan — Attorney General) [4.07 pm]: I move —

That the bill be now read a second time.

It has been said many times in this house that firefighters hold a special place in the hearts and minds of all Western Australians as protectors of their communities in times of need. Western Australians also greatly appreciate the selfless volunteers who serve time and again. We saw this last summer in Esperance, Waroona and Harvey where hundreds of volunteers stood alongside career firefighters to protect their communities in those regions. Therefore, the government is both pleased and proud to support the Firefighters and Emergency Volunteers Legislation Amendment (Compensation) Bill 2016.

The purpose of this bill is to provide a rebuttable presumption for volunteer firefighters, state-employed firefighters such as Department of Parks and Wildlife and Forest Products Commission firefighters, and former career firefighters who contract any one of 12 prescribed cancers. This bill facilitates access to compensation entitlements for these personnel under the Workers' Compensation and Injury Management Act 1981 or the Fire and Emergency Services Act 1998. The bill also equalises insurance coverage for emergency services volunteers acting under the Fire and Emergency Services Act 1998, the Bush Fires Act 1954 or the Fire Brigades Act 1942. This bill is an important part of the government's firefighter and emergency services volunteer support package announced by the Premier and the then Minister for Emergency Services on 31 October 2012.

This government wholeheartedly recognises and deeply appreciates the significant contribution that firefighters make in protecting life and property in Western Australia and acknowledges that they are placed in a unique position of risk through exposure to carcinogens. During a structure fire, there is often a release of carcinogens due to the combustion of synthetic materials. There is scientific evidence that certain types of cancer are caused by accumulated exposure to these carcinogens. The protective equipment worn by firefighters goes some way to decreasing the risk of exposure to carcinogens, but it does not eliminate the risk.

The ACTING PRESIDENT (Hon Liz Behjat): Order, members! There is a lot of audible noise going on in the chamber. This is an incredibly important bill that is being read in at the moment.

Hon MICHAEL MISCHIN: In the past, career and volunteer firefighters who developed cancer were required to provide proof of the link between firefighting and cancer in order to claim compensation. For instance, toxins and chemicals encountered at an incident are often not known or recorded.

The Workers' Compensation and Injury Management Act 1981 has already been amended so that a current career firefighter employed by the Department of Fire and Emergency Services who contracts any one of 12 prescribed cancers has the benefit of a rebuttable presumption to facilitate access to compensation entitlements. This bill expands this presumption to include other state-employed firefighters, volunteer firefighters under the emergency services acts and former career firefighters who contract any one of the prescribed cancers. In order to ensure there is no negative impact on these firefighters, the presumption will be retrospective to the same date that the presumption for current career firefighters commenced, on 13 November 2013. For the presumption to apply under the proposed provisions of this bill, certain prerequisites will need to be met. Firefighters must have met the qualifying period for the prescribed cancer and they must have met the requirements for hazardous firefighting service—a minimum of five years of firefighting service where the firefighter attended a required number of qualifying events. If these prerequisites are met, it will be presumed that the cancer occurred as a result of firefighting and is therefore compensable, unless proven otherwise. It is integral to the success of this legislation that the provisions contained within it are accessible to those volunteers who need them and these thresholds will ensure that they are.

Another purpose of this bill is to ensure consistency of insurance for volunteers carrying out statutory functions under the emergency services acts. Fire and emergency services volunteers in Western Australia currently operate under three separate pieces of legislation. Fire and rescue service volunteers operate under the Fire Brigades Act 1942; bush fire brigade volunteers under the Bush Fires Act 1954; and state emergency service, volunteer marine rescue service and FES unit volunteers under the Fire and Emergency Services Act 1998. Each group of volunteers is covered by a different insurance arrangement, which means that not all

volunteers are entitled to the same level of insurance cover and some volunteers are better protected than others in the event of injury or loss.

This bill amends the emergency services acts to provide uniform legislated insurance provisions for all emergency services volunteers. These new provisions maintain or improve insurance coverage for volunteers. The bill uses the term “responsible agency” to specify the person or entity with responsibility for a particular class of volunteer. Responsible agencies will be required to maintain an insurance policy for current and former volunteers who suffer an injury when engaged in volunteer activities. Under these provisions, an injured volunteer will be entitled to the same level of compensation as a worker under the Workers’ Compensation and Injury Management Act 1981, unless otherwise prescribed. An insurance policy must also be in place to cover loss of, or damage to, privately owned vehicles, equipment and items of personal property when being used for volunteer activities. This will apply if the volunteer activities are being carried out by a registered volunteer of the responsible agency, or at the direction of a registered volunteer, bush fire control officer or Department of Fire and Emergency Services staff member. Responsible agencies will also be required to maintain an insurance policy for loss or damage to vehicles, appliances, equipment and apparatus of their volunteer units.

By introducing this bill, the government will ensure that emergency services volunteers and retired career firefighters receive appropriate insurance coverage for injury and property loss or damage as they carry out their essential roles for the community. It is a way for us as a government to do what we can to recognise and provide for those who have selflessly dedicated themselves to the protection of our communities for so many years. This bill says to those volunteer and career firefighters, “The government has got your back.”

Pursuant to standing order 126(1), I advise that this bill is not a uniform legislation bill. It does not ratify or give effect to an intergovernmental or multilateral agreement to which the government of the state is a party. Nor does this bill, by reason of its subject matter, introduce a uniform scheme or uniform laws throughout the commonwealth.

I commend the bill to the house and table the explanatory memorandum.

[See paper 4467.]

Debate adjourned, pursuant to standing orders.

Sitting suspended from 4.15 to 4.30 pm