



**The Country Fire Service
Volunteers Association**
"Representing the interests of CFS Members"

CFSVA Update Presumptive Cancer Legislation Update

Government legislation passed to extend workers compensation protections for firefighters.

New legislation passed by Parliament this week provides greater workers compensation protection for CFS and MFS firefighters diagnosed with firefighting-related cancers.

Under the Return to Work Act 2014 firefighters who suffer a workplace injury are currently able to access benefits including weekly income support payments, medical expenses, and lump-sum compensation. Ordinarily under workers compensation laws a worker has the onus of proving that their injury arose from their employment.

However, for certain firefighting-related cancers as identified by medical evidence, the burden of proof is reversed, and the 'injury' automatically presumed to arise from being a firefighter either as a volunteer or paid. This reflects scientific evidence relating to the prevalence of cancers amongst firefighters and their exposure to known carcinogens through firefighting.

Presumptive legislation makes it quicker and easier for firefighter cancer claims to be lodged and accepted, and for firefighters to access compensation with minimal delay.

The amendments passed by Parliament this week will expand the current list of 12 presumptive firefighting cancers to now include:

- Primary site cervical cancer
- Primary site uterine cancer
- Primary site ovarian cancer
- Primary site penile cancer
- Primary site thyroid cancer
- Primary site liver cancer
- Malignant mesothelioma
- A reduction in the qualification period for primary site oesophageal cancer from 25 years to 15 years.

The Government has also committed that, if it is re-elected, within the first 100 days of the next term of Parliament it will progress legislation to further expand the presumptive cancers to include:

- Primary site pancreatic cancer
- Primary site skin cancer
- Primary site lung cancer
- Asbestos-related disease

Minister for Emergency Services, Rhiannon Pearce stated:

“Our firefighters regularly put themselves on the line for the sake of our community so it’s only fair they are supported when they need it.

These reforms will provide more support for firefighters and more peace of mind in the event they get sick as a result of their work.”

The CFSVA welcomes this outcome as it extends additional coverage to our volunteer firefighters and moves South Australia closer in line with some of our interstate counterparts. The CFSVA’s preferred outcome would have been that all the listed cancers, including the four ‘committed’ in the next Government be included within the legislation passed this week, however every step forward is a win for the CFSVA and you, our volunteers.

Claims Process:

It is important for volunteers to note that whilst presumptive legislation has a reverse onus which means that the cancer is presumed to be caused by your work as a CFS volunteer and removes the need to prove a direct link to a specific fire incident, there is a claims process which SAFECOM must follow.

The CFSVA has asked SAFECOM for a fact sheet which clearly explain the claims process and what will be required of you during this process. This fact sheet will be distributed to volunteers as soon as it becomes available.

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