

DRAFT SECOND READING SPEECH

HON ELISE ARCHER MP

Workers Rehabilitation and Compensation Amendment Bill 2023

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Mr Speaker, I move that the Bill now be read a second time.

The purpose of this Bill is to make amendments to the *Workers Rehabilitation and Compensation Act 1988* (the Act) to extend the list of presumptive cancers for fire-fighters. Section 27 of the Act provides that in certain circumstances, employment as a fire-fighter is, in the absence of evidence to the contrary, taken to have contributed to a substantial degree to specific diseases. This is known as a presumption of cause.

The specific diseases to which the presumption of cause applies are set out in Schedule 5 of the Act. The presumptive provisions under section 27 for diseases listed in Schedule 5 of the Act aim to make the process of applying for compensation easier for our fire-fighters.

The Bill will amend Schedule 5 to include nine additional types of cancers in which there is a presumption of cause for a primary site cancer including: cervical, ovarian, penile, thyroid, pancreatic, skin, lung, uterine and malignant mesothelioma.

Mr Speaker, the work carried out by Tasmania's fire-fighters is vitally important to our community and is sometimes undertaken at the risk to their own health and safety. While our fire-fighters have excellent training and equipment to protect them, not all hazards can be removed from their workplace.

In recognition of the vital contribution made and the risks taken by our fire-fighters, our Government has introduced a number of reforms in recent years to further support our emergency workers, including:

- removing qualifying requirements for volunteer fire-fighters in 2017 (noting that prior to the amendments, volunteer firefighters had to meet a requirement of attending 150 exposure events over a period of five or ten years (depending on the type of cancer));
- introducing presumption of cause provisions in 2019 in relation to Post-Traumatic Stress Disorder for relevant workers, including fire-fighters; and
- in 2022, amending the definition of 'occupational fire-fighter' in section 27 to include a group of workers who were not previously covered by the presumptive provisions.

The proposed amendment of Schedule 5 to include these nine additional cancers is informed by recent scientific research demonstrating the links between these cancers and exposure to toxins in smoke, fuel and other hazardous materials related to fire-fighting.

Mr Speaker, importantly it includes female-specific conditions such as primary site ovarian, uterine and cervical cancers. While Schedule 5 currently includes a number of male-specific cancers such as testicular cancer and prostate cancer, it does not include any female-specific cancers.

The proposed inclusion of these female-specific cancers reflects the significant contribution of our female fire-fighters. Clearly, female fire-fighters should be afforded the same protections as their male colleagues.

This Bill will ensure that Tasmania's presumptive provisions for fire-fighters are up to date and consistent with current research and evidence. Indeed, I believe that Tasmania will be one of, if not the first, jurisdiction to recognise uterine cancer as a presumptive cancer for fire-fighters [making these provisions nation-leading](#).

It is important to note that the Bill not only recognises female fire-fighters by including female-specific cancers but also includes conditions that affect men specifically, such as primary site penile cancer, and those that may affect any person including:

- primary site thyroid cancer;
- primary site pancreatic cancer;
- primary site skin cancer;
- primary site lung cancer; and
- malignant mesothelioma.

The operation of section 27 of the Act means the presumption applies in respect of any cancer added to the [Schedule](#), even if a pending or future claim relates to a diagnosis occurring before the cancer was added to the [Schedule](#). Under section 27, the criteria for the presumption of cause are:

- [the](#) worker suffers a disease referred to in column 1 of Schedule 5 that occurred on or after 21 October 2013 (the date the presumption of cause provisions commenced);

- the disease occurs during a period in which the worker is employed as a fire-fighter or within the 10 year period after the worker ceases to be employed as a fire-fighter; and
- the worker was employed as a fire-fighter for at least the period specified in column 2 of Schedule 5 corresponding to the specific disease.

Mr Speaker, while there will be costs associated with the expansion of Schedule 5, it is anticipated that the social and economic benefits of supporting our fire-fighters in the long term will far outweigh the financial costs and it is the right thing to do to protect the people who put themselves first to protect our communities.

Fire-fighters covered by section 27 of the Act include employees and volunteers in the Tasmania Fire Service, Sustainable Timber Tasmania and the Parks and Wildlife Service of the Department of Natural Resources and Environment.

Mr Speaker, these changes will be beneficial to our fire-fighters.

They are valuable changes that will ensure that our rehabilitation and compensation legislation **remains** contemporary, effective, and informed by the most recent science.

Mr Speaker, I commend the Bill to the House.