

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

*Second Reading*

Resumed from 24 August.

**MR M.P. MURRAY (Collie–Preston)** [4.11 pm]: As I stated in our last sitting, the Firefighters and Emergency Volunteers Legislation Amendment (Compensation) Bill 2016 is a very important bill. Over time many firefighters have contracted some form of disease, but have not been compensated for it. It is important that we look after those people, whether they be full-time firefighters or volunteers, as we learn more about diseases caused by plastics, asbestos or chemicals and about the chemical reactions in many present-day building materials once they are heated up. I am certain that many of these problems have emerged after we have discovered that the composition of certain chemicals changes when they are exposed to heat. We have been remiss in not supporting those people more strongly over the years, and in previous Parliaments as well. It gives me pleasure to support those people, but it gives me no pleasure to think that people who are looking after their communities may contract some of these diseases.

One disease that I have seen in my trade background is asbestosis, which is absolutely diabolical. Anyone who has seen a person go downhill after getting that disease, and having to walk around—shuffling is probably a better word—with an oxygen cylinder and hoses up their nose, will know what I mean. Some of the people I know who have passed on as a result of this disease were certainly not what we would call aged. I have known people in their 40s and 50s who have contracted asbestosis. It is certainly a very bad disease. However, Western Australia has a very good support group, the Asbestos Diseases Society, that has worked very hard over the years in many areas and has probably one of the world's leading specialists, Dr Michael Musk. He may now be Professor Musk—I might have that title wrong. Those people have studied very hard so that they can try to alleviate some of the problems and pain that people suffer when they are diagnosed with asbestosis.

The clean-up after the recent fires at Yarloop was very expensive for the state, mainly because of the presence of asbestos. Across Western Australia, many older homes are clad in fibrous asbestos panelling, which was the norm for the time. In fact, one of my cousins contracted asbestosis, and he could think of only one situation in which he could have contracted that disease, and that was when his father was cutting asbestos sheeting with a saw while renovating their house and he was playing underneath the sawhorses. He would have been about the same age as me, and he died a couple of years ago. His last couple of years were terrible. He had to walk around with a trolley to administer oxygen. His quality of life was shocking.

People in professions such as firefighting need to be looked after. It is good that the equipment used now by firefighters is far superior to that used in the past, when people would run into fires and try to do the job. The equipment is much more refined, and much more training is put in to help these people, so that when there is a fire and there are safety issues, people do not get blasé and think it will not worry them. People are not allowed to go into a job unless they are properly kitted out. That is a major move forward, and hopefully it will take out of the system some of the long-term illnesses that we see now, because people are now properly attired and equipped before they go into a fire.

Let us think about people in their later years who have been unavoidably in contact with a chemical. Everyone in this world has a different reaction to different chemicals. Some people cannot stand benzene. I saw recently that in some places, they are stopping the use of some handwashes because they are too clean and take away the body's resistance to other chemicals.

Chemicals that are released by fire may also find their way downstream. We need go back only a few years to the Bellevue fire, when a chemical recycling plant caught fire. The chemicals from that fire were measured in Bunbury. That was a remarkable experience. We were so lucky that the weather was kind, I suppose, and the chemicals went up in the air and did not fall into the suburbs. The chemicals were carried in the air all the way to Bunbury, where they were measured in monitors, and they then went out to sea. This was a few years ago. I think we did that inquiry in 2001 and 2002. If those chemicals had spread into the community, not only the firefighters—who at that stage did not have top-of-the-range protective gear, as they told us at the inquiry—but also the local people would have been contaminated.

We have probably been a little bit slow in getting things done. However, this bill is a positive for people who get out and look after their communities. Another positive is that when this legislation is in place, it might attract more people into those industries as a career. We have some doubters and people who are saying we should be careful about what we do, but if we do not have this legislation, we will probably lose the people who would normally apply for those jobs. I think we are on the right track here. It has been a pleasure to be in the house

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while this bill has been debated, and to know that these people will be looked after as we move into another era and can have confidence in the system in which they work.

**MR P.C. TINLEY (Willagee)** [4.19 pm]: It is with pleasure that I stand to make a contribution to the second reading debate on the very important Firefighters and Emergency Volunteers Legislation Amendment (Compensation) Bill 2016. In common with other members on this side, I do not need much prompting to support these volunteers; hence, the Labor Party's support for this bill.

I want to take a bit of a tangential path in my contribution from that taken by other members in their contributions, including our shadow Minister for Emergency Services who forensically investigated this bill, its operation, how it might come to pass and how it might be delivered. The particular aspect I want to talk about is not written in this legislation or, in fact, in any other legislation. Parts of what I am about to cover maybe should be included in the legislation, but I want to talk about what it is to serve one's community and the implications and impacts of service on a personal and professional level and, collectively, on people's social groups and families.

Although we wholeheartedly support this bill and could have a debate about how it does not go far enough and the sorts of things that need to be done, the fact is that it sits there as part of the formalised structures that we put in place to support people—in this case, the “vollies”, as we affectionately know them—in the course of their service to our community. It is just the structure, and in that regard it is no different from the appliances the volunteers take to a fire, the uniforms they wear, the equipment they use or the training they have undertaken. It is absolutely no different from the fundamental structures of what it is to be a volunteer, but there is much more to service than just donning a uniform when called and turning out to defend the community, property, life and limb. It is about the mental leap they have to make, in the first instance, to even volunteer, let alone actually attend an emergency situation, and this Parliament and the executive should never lose sight of the consequences of that service.

As we all recognise, if those people chose not to serve, we as a community would be the poorer in two ways: firstly, through loss of property and, God forbid, loss of life; and, secondly, we would be the poorer because what would it say about us as a community, living in the service of each other, if we could not find enough volunteers to protect our community? It is this point I make about how we treat those who serve the community in any way and certainly in any uniform: compensation is the beginning of that support, not the end. As I say, it is no different from the structure of the equipment that they have.

The support I am talking about is for something that is silent and, in many cases, invisible. I am talking about trauma and the stress that is created around trauma. When we talk about volunteers rather than professional firefighters, they might be going through the course of their day, night or weekend, enjoying what every Western Australian does when they are with family and friends in the community of this great place, and then they get a call. They go from being relaxed, at ease and secure to a high state of readiness, ill at ease, uncertain about where they are going and uncertain about the outcome. They must, of course, rely on their mates to their left and right, their training and the equipment with which they have been provided. They are all part of the layers that give our firefighters the confidence to attend the particular events that they have to attend to keep the community and its property safe.

There is a real point here: they are going from zero to 100. A police officer or a professional firefighter who checks in at the start of their shift has a ramping effect as they go towards the process of attending the station they are allocated to and going through their shift. They are prepared, in many ways, for the potential of trauma at very short notice. We need to be very conscious, particularly in the case of volunteer firefighters, of the fact that they are going from zero, being supine, to the intense, and that in itself is traumatic, let alone doing what they are actually required to do in the unpredictable situations they attend, particularly structural fires and other higher risk, more intense emergencies. Some of the bushfires we have seen in recent times have been particularly intense.

It is important that I record here the silent and invisible pressure and intensity that falls on volunteer firefighters, and what is required from the government and its leadership to ensure that the preconditions exist for them to be able to deal with that trauma. No amount of training or preparation can protect people from the impacts of trauma; training cannot inoculate them entirely from the impacts of trauma. It can allow them to conduct their role as professionally as possible in the best interests of the team they are supporting, but it does not always prepare them for the aftermath of trauma. Trauma quite often impacts on individuals long after the events and the details of the events have faded away; we know this from a 40-year longitudinal study carried out by the Brain and Mind Centre at the University of Sydney on the effect of trauma on Vietnam veterans. This is groundbreaking, world-leading research with lots of applications that we need to heed in any debate on compensation and support for firefighters, particularly volunteer firefighters. That 40-year study looked at the

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impact of trauma on veterans' health generally and specifically their mental health. It also looked at the impacts of post-traumatic stress disorder on veterans' families, and there is a strong and undeniable correlation between veterans suffering from PTSD and other mental illnesses and intergenerational transfer.

The research finds that the partners of Vietnam veterans who suffer trauma are also suffering in a referred sense and are four times more likely than the general population to show the ill effects of trauma, sometimes at a diminished level. Incidence of substance abuse is over-represented in the partners of Vietnam veterans and depressive episodes are also heightened. Indeed, in the worst cases, there is over-representation in comparison with the general population of attempted suicide. It does not stop with the veterans' partners. The children of Vietnam veterans also are over-represented in cases of violent behaviour, such as domestic violence, in comparison with the general population. It is fundamentally important that we understand that trauma does not have to have a gun to be impactful; it does not have to be associated with war to have an impact on mental health. Trauma is trauma, and it is relative to the person who is affected by the trauma.

I again remind members to contemplate the fact that members of the volunteer firefighting force in Western Australia go from a relaxed position to a sudden, heightened alert status, and then attend highly traumatic events—involving anything from deaths in a fire to injuries sustained by firefighting teams or the public—and to remember that that has a debilitating impact long after the event. In fact, what we know is that the greatest symptoms or the peaking of symptoms, if you like, for most veterans who are subject to trauma—not just Vietnam veterans—does not really occur until about 10 years after separation. That is yet to be proven in any statistical way, but it is about 10 years after separation from the Defence Force when they start to see behaviours that are symptomatic of post-traumatic stress disorder. One thing that I am sure that we do not know—if the minister knows, I would be grateful to hear about it when he responds to these speeches—is whether anybody is measuring the health of the volunteer firefighting force in Western Australia, because it is based on volunteers. They are registered; I am sure that there are certain checks and background checks and all those sorts of things, but how much do we know about the people who were former volunteer firefighters in Western Australia? What do we know about them? Who are they, where are they and how long did they serve? What recordable events that they were involved in during their service should be followed up and monitored? It was only in the last five years of my service in the Defence Force with the Army that information about our exposure to various hazards such as asbestos and other chemicals was recorded on our files. Prior to that, it was not recorded. How many of the fires that former volunteers fought over many years exposed them to what I would call a recordable event; and then what do we do with that information? Who has turned up to a roadside accident, which can get quite traumatic; attended a fire where a death or a severe injury has occurred; or witnessed the injury or death of a teammate? Those are recordable incidents that need to sit on the files of those who have been involved in that service to ensure that if, in the future, they present with symptomatic behaviours of PTSD, we react quickly. What processes exist when a volunteer firefighter wants to separate from the organisation for various reasons? What is the exit process? Does anybody sit with them and record their service in a meaningful way that will allow them to understand that they need to be alert to the potentials of PTSD? PTSD is such an elastic diagnosis. It can happen in the smallest of ways from sleeplessness to substance abuse, violent irrational behaviour and, from there, to self-harm. I am not saying that just because somebody has been involved in a couple of traumatic events during their 10 years of service as a volunteer that suddenly those traumatic events will come back and cause night sweats, nightmares, insomnia and ultimately self-harm. There is no suggestion of that. But it might be one of the indicators that a person would look at for their health as they go through the various stages of ageing, because those events do and will have an impact.

To me the Firefighters and Emergency Volunteers Legislation Amendment (Compensation) Bill 2016—I said I would be moving off the specific detail of this bill—is just an enabling piece of legislation that should be part of a wider approach to the way we treat emergency services personnel generally. I group in this category professional firefighters, professional police officers and sworn police officers—who we as a society rely on heavily. Sometimes we overburden them at various points throughout the year to protect and serve us. They enjoy that service no doubt. There are a lot of intangible returns to the individual for volunteering and we thank them for that service. The best thanks that we can give them is to have a very deep and meaningful understanding of what it is to serve and the implications of that service not just in the context of their physical health and the 12 carcinogens that they could be exposed to, which this bill deals with, but the wider impacts of that service, and ensure that they have around them all the structures that are required to ensure that if they do fall over and they do find that they are in trouble—with family, themselves or the behaviours that I talked about—they accept that their troubles need to be raised, aired, talked through and sorted out.

Are those structures in place at the various team and corporate levels within the firefighting fraternity generally? One thing I found as a veteran is that nobody understands the sorts of thoughts that I had better

than another veteran. That is not to say that other veterans will be the treatment; rather, they will be part of a person's treatment that involves the professional class of people in our community. Psychologists, the various leaders of faith—if that is the inclination of the individual—family and friends are fundamentally important to the treatments required to ensure that the healthy citizen who has deemed it appropriate to serve and who actually wants to serve the community gets the support they need.

I said that I would make a small contribution to the second reading debate on the bill. As has been said, the Labor Party has provided support for this bill, not that we would in any way stop firefighters and emergency volunteers from getting access to a fair and equitable level of compensation for their service. I finish on the point that we need to understand the whole person and take a case management approach to them.

**MR C.J. TALLENTIRE (Gosnells)** [4.36 pm]: I rise today to make a brief contribution to the Firefighters and Emergency Volunteers Legislation Amendment (Compensation) Bill 2016. I begin by noting that this bill will ensure equity amongst firefighters. Those people who work as paid firefighters will be in a position to receive compensation for exposure to noxious fumes, including carcinogens, that could impact on their health. It will also ensure that our volunteers are covered in the same way should they encounter carcinogens.

I understand that in years past these provisions were not so necessary because we had an understanding that volunteer bush fire fighters were out in the bush and the intention was that they would not be exposed to construction fires or areas where they would necessarily encounter chemical hazards or building materials—as may occur in something as simple as a farm shed that could burn. Once that shed or chemical or whatever burns, it gives off carcinogens, and that is a problem that we have had to face—bush fire fighters do not work on just bushfires. Inevitably, they are involved in trying to put out fires that involve artificial materials that are the sorts of things that give rise to potentially cancer-causing chemicals and particles that could be inhaled. One of the challenges is that we have to make sure that people have the right equipment. We know that people who are constantly engaged in fighting structural fires have all sorts of breathing apparatus so that they do not inhale these things into their lungs. The minister is aware that in the 1990s I was involved—trained to a certain level—with the east Giddegannup volunteer bush fire brigade. Certainly, at that time we did not have access to breathing apparatus. It was just a matter of having the yellow equipment and knowing how to use the vehicles and pumps, knowing a bit about the theory of firefighting and especially knowing the terrain in our area so that we knew where the risks were—knowing all those things.

As we have this expansion of the urban front, we are seeing the rate of fire in our outer-urban area increasing. Of course, we are seeing impacts from a drying climate and fires caused by that as well. We are seeing other impacts of that spread of urbanisation. One point I have raised in other debates in this chamber is the problem of highly flammable weed species taking over from natural vegetation. They are much more flammable and therefore we get into a fire cycle that has a shorter turnaround than we have ever seen previously. We have a greater population and therefore more mistakes are being made—more cases of arson and what have you. All that means that the risk of bushfire and the chance of people being exposed to the sorts of materials that can cause cancer if they are burnt and inhaled is increasing; that is the real risk that we are facing. On that basis, I think the legislation has great merit, but we have to ask ourselves how we are going to equip volunteer bush fire brigades into the future.

I want to say a little about my Gosnells volunteer fire service, and acknowledge the sterling work of the captain of the Gosnells Volunteer Fire Brigade, Michael Battrick. Throughout the summer months that brigade is ready for action at any stage. The brigade is always keen to hear from people who are willing to be volunteers. There is always that lookout for more volunteers. Into the future, I think we have to address that volunteers are motivated—perhaps like most of us in this chamber—by the notion of serving the community and the idea of, what we might call, generically, public service. They are motivated by that and they want to contribute to the community, but they do not receive any real recompense for that service. Just as we have Army and Navy Reserves and the various military volunteer services, I think we need to look at recompensing bush fire fighters in a similar way. I think that is only reasonable because these people give up their time. Yes, they are motivated by the idea of contributing to the community, but I do not think that is a reason for us to continue to think that we can get away with a free service. I recall how disruptive it was to family life, when, on a weekend, the pager would go off and I had to give an immediate response. I had to suddenly get down to the fire station, get into a vehicle and head off to the Gngangara pine plantation, where, unfortunately, there might have been some sort of act of arson in which a stolen vehicle had been torched. In the middle of summer that would involve someone fighting a fire for many hours, which is quite an impost on their time. It is a valuable service, but essentially it is a free service because we, as a society, are only a bit too ready to ask somebody to do something for nothing. I think that is something we have to address into the future.

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Another important issue I want to address is how we blend together the fabulous work of bush fire fighters in general with conservation outcomes. I saw a wonderful example of this in a gentleman who was a long-time firefighter with the Bedfordale Volunteer Bushfire Brigade, Mr Cam Clay. Cam passed away a couple of years ago, but on 9 April this year we opened a memorial park dedicated in his name—the Cam Clay Reserve, in the City of Armadale. Cam led the way with his commitment to local community groups. He had been part of the Bedfordale Volunteer Bushfire Brigade, but was also very active in the Armadale Gosnells Landcare Group. He was chair of the organisation for 12 years. He was also with the South East Regional Centre for Urban Landcare group for 10 years. Cam was dedicated to what we can call good land management of our area. He was very active when it came to tree planting, weed control and all kinds of bush firefighting initiatives. He brought those two areas together, and I think that is where we need to be headed into the future. We need to recognise that part of good environmental management is good fire control and making sure that we have people with the right skills, so we can recognise that things like weed control are actually very important fire control practices. That is something that we have to work on as well.

If I can return to the wonderful work that Cam Clay did, I will quote the Mayor of the City of Armadale, Henry Zelones. When we were dedicating the memorial park, he said of Cam —

“It is only fitting that Cam’s name should be immortalised in this currently unnamed reserve as he was heavily involved in the revegetation project which aimed to enhance water quality in the river and provide habitat for native aquatic and terrestrial fauna ...

“Through Cam’s contributions, liaising and coordination of his fellow volunteers for the planting days, the aims and outcomes of the project were achieved.

“His involvement with the community didn’t stop there—Cam enjoyed a long association with the Bedfordale Volunteer Bushfire Brigade and was recognised with a life membership; he was Deputy Chair of the City of Armadale Bushcare and Environmental Working Group; Chairperson of the Armadale Gosnells Landcare Group for 12 years and Chairman of the Neerigen Brook Creek Committee; Treasurer of the Southeast Regional Centre for Urban Landcare for 10 years.

“He was also a proactive and much loved member of Roleybushcare and was part of the group responsible for injecting trees to prevent dieback and husbanding the local bush reserves in the hills.

I think we should take inspiration from Cam Clay. This idea of managing bushland, whether it is from a fire perspective, a land care perspective or a nature conservation perspective, is all part of the same project that we, as Western Australians, have only just embarked upon, especially in terms of our learning. Our ecosystems in this part of the world are incredibly complex and very difficult to manage. We are all terrified when we see plumes of smoke, and rightly so. It is terrifying to see those plumes of smoke in summertime. Fires are an enormous cost on our community and they are an enormous challenge for us to face, and we have to learn how to manage that. I do not believe that we have the solutions yet; we are still learning what the solutions are. There are all kinds of ideas. At the moment a big effort is being put into the use of prescribed burning at particular times of the year, but there are many other ways of dealing with this problem. I think we have to be very clear about embracing all the other options so we get the safest outcome for people and the best outcome to protect property and preserve the natural heritage on our doorstep.

I am very pleased to support this legislation that recognises the wonderful work that our firefighters and emergency volunteers are involved in. I recognise that, in many ways, this legislation is overdue. I know many people will be interested to see this legislation passed through this Parliament as rapidly as possible, and I understand their enthusiasm to see it pass with haste. I look forward to hearing the minister’s response to the points that have been made and to seeing this legislation on our statute books.

**MR J.M. FRANCIS (Jandakot — Minister for Emergency Services)** [4.49 pm] — in reply: I start by acknowledging my very good friends Jodie Neuzerling from the Volunteer Fire and Rescue Services Association, and, of course, Lea Anderson and Kevin Jolly from the United Firefighters Union of Western Australia. They are in the Speaker’s gallery. I congratulate the UFU on reaching a significant milestone. This weekend, the union will celebrate the centenary of the UFU in Western Australia. We do not have to think back too far to the times when the UFU must have been founded here, midway through World War I. We are commemorating the centenary of Anzac, and I am sure somewhere—I was thinking about this last night, Kev—there will be a fascinating history to read about what brought about the need to establish the UFU 100 years ago. I do not know what the demarcation lines were or what the motivations were. I am very familiar, obviously, with what brought about the establishment of organisations such as the Returned and Services League of Australia, but I reckon it would be an interesting read. If I could be flicked some information, I would definitely be interested in that.

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I thank the opposition for supporting the Firefighters and Emergency Volunteers Legislation Amendment (Compensation) Bill 2016. I am not aiming to contradict any of the speakers, but I want to briefly outline how we got to where we are today and the history of the legislation in this place. Before the last election, the previous minister Troy Buswell made a commitment to do this, and I acknowledge that, also prior to the last election, the Labor Party had a bill in this house that aimed to do this. This bill is the second of two rounds of legislation post the 2013 election. I was a backbencher at the time I spoke on the Labor Party's bill. The current government supported the bill's intent, but one of the reasons it could not fully support that bill was the amazing difficulties in drafting this legislation. That is one of the unfortunate reasons it has taken some time to get here.

The first round of legislation covered current, serving career firefighters, and was a fairly simple amendment to an act that covered workplace occupational health and safety and allowed them to be dealt with expeditiously. Career firefighters have been covered by this presumptive legislation for about a year and a half. The second round, which is what we are dealing with today, achieves three things: it covers retired career firefighters and all volunteers when they reach a threshold of five qualifying incidents a year over five years, and it brings in uniform workers' compensation provisions for all volunteers, which I think is the right thing to do. They are the three key things we are legislating for here today—retired career firefighters, volunteers and uniform compensation schemes.

I will not do this in any particular order, because I notice that the member for Willagee is probably keen for me to touch on some of his comments. The member for Willagee, amongst others, spoke particularly about post-traumatic stress disorder—PTSD. He talked about some of the reasons people are motivated to offer themselves for varying different forms of service to the community. This legislation has to have some kind of scientific basis to it. We know the beginnings of all this came from a federal Senate report. The committee had a look at and established the view that firefighters have a greater occurrence of contracting certain cancers than the rest of the population. That is known. The thing about contracting cancer is that an exposure incident cannot necessarily be pinpointed; it is very difficult to do. Whereas, when we look at things such as PTSD—I am always open-minded on this—the best advice I have at the moment, as touched on by the member for Willagee, is that psychiatric science, for want of better words at the moment, can pretty much pinpoint PTSD to an exposure event. That cannot be done with a carcinogen for cancer. There is nothing stopping anyone diagnosed with PTSD from making some kind of compensation claim against the organisation through which that exposure happened. I understand that since 2001, the former Fire and Emergency Services Authority—now Department of Fire and Emergency Services—has had 44 claims for PTSD compensation or diagnosis, and I also understand that all 44 of those claims were made by firefighters who have served more than five years. We will continue to work with the organisations that represent career firefighters—including the UFU—and volunteers to look at different options as to how we do that. The bottom line is that the best advice I have at the moment is that we can almost always pinpoint an exposure incident with PTSD. That cannot be done with a cancer. It is very hard.

When there is a much higher rate of contracting the prescribed cancers covered in this legislation—they were also in the first legislation that covered current serving career firefighters—and that exposure cannot be pinpointed, obviously the right thing to do is to give them the benefit of the doubt by saying that the contraction of that cancer was through exposure due to the nature of their service. That is, essentially, what we are doing; we are bringing in a rebuttable presumption. If someone was to contract a cancer and they had served for only a short amount of time and their day job was changing brake pads in the railway workshop—somewhere where it was much more likely they could have contracted the cancer—the department and government could obviously consider rebutting that. I cannot ever foresee it happening, but it may, as there may be circumstances due to their employment—in the real world for volunteers or previous employment for career firefighters. That is not what we are aiming to do here. We are aiming to say, “We're going to give you the benefit of the doubt, and we're going to assume that you've contracted a prescribed illness due to the nature of your service”, which I think is the right thing to do. Essentially, it is saying to both career and volunteer firefighters that we have their backs, and we do not want to see them have to go through the rigmarole of trying to—members can look at the second reading speech; I will not go into it in detail—prove a particular exposure event, especially when they are sick. No-one wants to see that.

Member for Girrawheen, I think I have explained why there were two rounds of legislation and how we got here. This was draft 10. I will not go through them all, but one reason it has taken so long, as an example of the drafting complexities, is that every single time we got to the position of thinking we had the bill ready, something else would come up. For example, what about a person who might spend four years as a volunteer doing their minimum of five exposure incidents a year, and then became a career firefighter for three years? Where did they fall into the mix? Obviously, they would have ticked all the boxes for cumulative service. We had to go back and consider all these different things. What about someone who did three years as a career firefighter and then became a volunteer? They are fairly complicated matters that seem simple when we stand here and talk about them, but insofar as drafting is concerned, all those boxes had to be ticked.

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The rate of exposure is five hazardous incidents a year for five years for volunteers. Obviously, for career firefighters, we know they all attend way more than five a year. For all volunteers, it is five a year over five years. That is, by the way—I am proud to say—far more generous on the assumption than any other jurisdiction. I know off the top of my head that Tasmania's is set at a level, to be frank, without wanting to be discourteous to the Tasmanians, disingenuous. No-one was ever going to reach the threshold set in Tasmania. This level is fairly reasonable.

It is spelt out in the legislation, but to make it clear, I want to briefly touch on what would be considered an exposure incident and what would not. I have no scientific proof—I have had a look at this over the winter break, member for Girrawheen, as I undertook to—but the best advice I have at the moment is that I have no scientific proof that suggests that exposure to plain, natural bushfire smoke is carcinogenic. We can always revisit this, but, as I said, we have to legislate on a scientific basis and the information in front of us now. A clause was also included in the first round of legislation that if science evolves and for some reason another type of cancer is considered more likely to be contracted because of someone's exposure to certain carcinogens, we can add that to the schedule later. However, for plain bushfire smoke I have very little to go on, so we cannot really include that at the moment. But every single volunteer is included under this legislation. I acknowledge that the volunteer fire and rescue service obviously fights structural fires, which have more carcinogens. Road crash rescues and car fires have more carcinogens. The volunteer marine rescue service fights boat fires, which have a hell of a lot of carcinogens. The State Emergency Service can attend fires. I have seen SES volunteers at a number of different fires, not only bushfires. Sometimes they have been close to the smoke, unfortunately, without breathing apparatus because they do not do breathing apparatus training. Volunteer bush fire brigade firefighters are covered. The brigade in my electorate, Jandakot brigade, will be called out from time to time to abnormal landings at Jandakot Airport—if you like, plane crashes—which, obviously, have carcinogens. Methylamphetamine labs and stolen car fires in the bush are also big sources of carcinogens. Rubbish tip fires are also problematic. Volunteer brigades with a 12-tonne tanker will often get called out to all kinds of scenarios in the metropolitan area to lend a hand to the career firefighters. A volunteer bush fire brigade can get called out to a whole host of different fires that do not revolve around plain bush.

That brings me to another issue that both the member for Girrawheen and the member for Willagee touched on—that is, record keeping. At the end of the day, bar a few exceptions in the far north of the state and also some of the dual-registered volunteer fire and rescue service brigades down at the capes, every volunteer bush fire brigade is essentially the property of the relevant local government authority. During the process of rolling out the \$2 000 volunteer fuel card scheme at the start of this year, we started to look for a mailing list of the captains of the brigade groups and units across the state. Not every local government authority and not every volunteer brigade is good at keeping records. They do not belong to the Department of Fire and Emergency Services. Although we may fund and provide them with the latest greatest trucks and even indirectly reimburse local government for the servicing of trucks and the personal protective equipment that is provided sometimes—hopefully, always—to volunteer firefighters, the Department of Fire and Emergency Services cannot possibly keep a record of every person who attends a fire as an individual when a fire truck is deployed or whether a fire involved some kind of carcinogenic exposure. The onus on the member has to remain.

I am sure at some time in the future when we look at volunteer identification cards and automatic vehicle location and all those kinds of things, this will no doubt be automated and records will be kept electronically. Until that day comes, the onus still has to be on the brigade captain or the member to keep a record of their attendance. I know that some brigades are trying the firefighter response system phone app, which allows them to indicate their availability or indicate whether they are responding to an incident. If that ever gets rolled out across the state, it would help to keep those records electronically. However, that system will not backdate. I know volunteers are urged to keep records from the time they join a brigade.

The member for Willagee also talked about the pre-registration screening of volunteers and the exit process. I think we can do some work on that. I understand how the Australian Defence Force screening and, although I still have not done it, the exit process work. Essentially, we try to make it as easy as possible for a volunteer to join a volunteer bush fire brigade. Volunteers need a police clearance and that is really about it. We cannot require a physical fitness screening. It has nothing to do with the cost, but members can imagine that when we try to encourage as many people as possible to be part of the volunteer firefighting community in Western Australia, half of them would not meet the physical fitness standard. I am not trying to upset anyone, but it is just a reality of life. Most of them simply would not meet the standard that the career firefighters are expected to meet, because career firefighters are predominantly super fit. As the member for Willagee can imagine, they are not quite as fit as the Special Air Service Regiment, but they have to be super fit for their selection process. We try to make it as easy as possible to join the volunteer brigades. Volunteers do not have to do basic sight screening. We do not know about pre-exposure to any incident or any particular carcinogen.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 6 September 2016]

p5448d-5461a

Mr Mick Murray; Mr Peter Tinley; Mr Chris Tallentire; Mr Joe Francis; Ms Margaret Quirk; Mr Murray Cowper; Mrs Michelle Roberts

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The member for Warnbro and the member for Collie–Preston also spoke about asbestos exposure. That is obviously pretty close to my heart. Three weeks ago I had a CT scan on my lungs for my asbestos exposure for my register. I lost my dad to asbestosis a year and a half ago. I do not wish it upon anyone at all. It is a horrible thing to watch someone suffer through. We do not screen for that either. We just cannot. We want to encourage as many people as possible to volunteer.

I do not quite know what to say in response to the member for Maylands except that I hope her piles are okay.

**Ms L.L. Baker:** My piles are doing very well, thank you for asking.

**Mr J.M. FRANCIS:** The member for Mandurah talked about uniform insurance for all volunteers.

**The ACTING SPEAKER (Mr N.W. Morton):** I am just checking what legislation we are debating; sorry!

**Mr J.M. FRANCIS:** I think we are talking about the piles that people burn to reduce the fuel load.

The member for Mandurah talked about uniform insurance for all volunteers. This is one of the three key goals that we are trying to achieve with this legislation. This bill will provide uniform insurance for all emergency services volunteers and it will maintain or improve insurance coverage for everyone. No-one will be worse off. Many volunteers will, obviously, be better off. We are exceptionally committed to ensuring, and we obviously have an obligation to ensure, that if someone gives their time freely as a volunteer to the community and is injured in that process, that person is okay. I am pretty proud that the consistency of insurance provisions across all volunteers is covered by this legislation as well.

It is not really in this bill, but the member for Gosnells spoke about the issue of whether we should pay volunteers. This issue comes up from time to time and I want to place on the record that we acknowledge the financial contribution that volunteers make. Sometimes people suggest that volunteers should be given tax breaks. Sometimes people ask why we do not reimburse small businesses that employ volunteers and let them go out and cover their time. Some people do; some people do not. Should we reimburse small businesses that do that? Once again, when does a small business become a big business? I can say with some degree of certainty that the bottom line is that the overwhelming majority of volunteers do not want to be paid. They do not do it for that. They do not do it for the money. They do not do it for the glory. I think I am quoting a Toby Keith song here! They do it because they are driven by a motivation to do something genuine and helpful for their fellow human beings. If we were to go down the path of looking at volunteers becoming reservists and paying them, quite frankly, firstly, we could not afford it and, secondly, I think that a lot of them would not want it. In fact, to be perfectly honest, I was surprised at the number of brigades that wrote to us saying, “We don’t want the \$2 000 fuel card. Thank you very much anyway, but, quite frankly, we’d prefer to make our own contribution to our own community.” I listened very carefully to the member for Gosnells’ comments and I suggest that if the Labor Party is considering some sort of policy to pay volunteers —

**Ms M.M. Quirk:** What with?

**Mr J.M. FRANCIS:** The member for Gosnells made the comments, member for Girrawheen. I am just saying that if a person wants to be a paid volunteer —

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr J.M. FRANCIS:** This is a very harmonious debate.

Several members interjected.

**The ACTING SPEAKER (Mr N.W. Morton):** Members! This is the conclusion of the second reading debate, so everyone has had a chance to speak if they wanted to speak. I am now listening to the minister.

**Mr J.M. FRANCIS:** This bill is supported by both sides and the debate has been very harmonious. I understand why people have asked the question, but I also suggest that the overwhelming majority of people who do it do not want it, and they will continue to do it for the right reason of altruism rather than to get any kind of financial reward for it. I know a number of people who joined a volunteer bush fire brigade—there were a couple in the Jandakot brigade—and went on to become career fire and rescue firefighters. I suggest that a whole lot of people have made that transition if they chose to do so.

In closing, I again thank the opposition for its support for the bill. It has taken some time. Its start date is retrospective, as I have pointed out. Obviously, it will not only provide uniform coverage for all emergency services volunteers, but also tick the boxes for the retired career firefighters who could not be covered previously when we amended the legislation about a year and a half or two years ago.

I thank all the associations that have been a part of this, including the State Emergency Service, the Association of Volunteer Bush Fire Brigades, the sea rescue group and the United Firefighters Union of WA. They have been incredibly patient with us as we have got the tenth draft of this legislation to this stage in this

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chamber. I thank the opposition for its support, even two weeks ago when we received late advice that a message was required from the Governor. I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

*Consideration in Detail*

**Clause 1 put and passed.**

**Clause 2: Commencement —**

**Ms M.M. QUIRK:** This is a standard clause that deals with the commencement of the act. It states in part —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

A number of people who will be covered by this legislation will have had a diagnosis of cancer. What arrangements has the minister made to ensure that this bill goes through the upper house with all due expedition?

**Mr J.M. FRANCIS:** The Attorney General will have carriage of this legislation in the Legislative Council. As I have said before, it has taken some time to get here. I tried to explain the reasons it has been a very difficult process to get the second round of the legislation into this place. As I said, it will have a retrospective start date. Although every day is important, it will not make a difference to anyone we know of at the moment who would have been diagnosed and would not have otherwise been covered.

**Ms M.M. QUIRK:** Can the minister tell us whether he has contacted the Leader of the House in the upper house, Hon Peter Collier, for example, and requested that this be one of the bills that are dealt with before the end of the sitting year?

**Mr J.M. FRANCIS:** Without divulging cabinet conversations, the leader of the lower house and the leader of the Legislative Council regularly have conversations about the priority of government legislation. My expectation is that, with the gracious support of the opposition, this bill will be passed through both houses as soon as possible.

**Clause put and passed.**

**Clauses 3 to 6 put and passed.**

**Clause 7: Part 6B inserted —**

**Ms M.M. QUIRK:** This clause deals with a number of definitional matters; for example, it refers to “hazardous firefighting service”, which is part of the requirement for coming within the purview of this legislation. A person must attend five hazardous fires a year and have served for a certain amount of time. We know that these hazardous fires are structural fires, motor vehicle crashes and non-organic waste fires. They are the three main areas of hazardous fires that I am aware of. I am a bit confused. How will a fire like that in Yarloop, in which volunteer bush fire brigades did not actually put out structural fires but were in the general vicinity of structural fires, be defined?

**Mr J.M. FRANCIS:** Yarloop is a very good example. Essentially, if a bushfire encroaches into a suburban area, we can tick the boxes for non-organic waste fires, car fires and structural fires. Obviously, other than the two lives that were tragically lost, a number of buildings and cars were burnt out, not to mention the Yarloop workshops. All those boxes would have been ticked for anyone involved in that fire.

**Ms M.M. QUIRK:** This is not a major point, but the minister said in his response to the second reading debate that record keeping is not optimal across the board. In a fire like that in Yarloop, the duties of six or so bush fire brigades were basically to clean up the bush surrounding the town, but clearly within the vicinity of structural and other fires. What I am trying to find out is: how close do they need to be before they are considered to be part of that incident and hazardous fire?

**Mr J.M. FRANCIS:** There would not be a line or a measurement of distance so much; it would ultimately be assessed by an insurer if there were a controversial or contentious claim.

**Mr M.J. COWPER:** If he would not mind, could the minister explain a situation for this qualification period. Going back to the example of Yarloop, the minister well knows the presence of asbestos has been well publicised.

**Extract from *Hansard***

[ASSEMBLY — Tuesday, 6 September 2016]

p5448d-5461a

Mr Mick Murray; Mr Peter Tinley; Mr Chris Tallentire; Mr Joe Francis; Ms Margaret Quirk; Mr Murray Cowper; Mrs Michelle Roberts

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For argument's sake, if sometime in the future one of our volunteers developed, God forbid, mesothelioma—a dreadful disease which has afflicted some friends of mine in the past; I saw their demise as there is no cure—how would this stick with that qualification period? The minister said that they have to have gone to five fires over a five-year period, but in retrospect we know that the firemen of the volunteer brigades of Cookernup and Yarloop were right in the thick of it. Subsequently, we have seen high levels of asbestos there. That is only one of them, because at the old workshops where the steam trains were, there are heavy metals, I suspect arsenic, if we looked hard enough, and such things. Someone may have only recently joined. A young person may have only recently joined the vollies, gone straight into the thick of it on that fateful night and may well have contracted a cancer—let us hope not, but let us say that they did. How would they go with this legislation?

**Mr J.M. FRANCIS:** I thank the member and for his interest in this. Obviously, like me, the member has a very personal reason to support this legislation. I just want to acknowledge that. Volunteers and firefighters will be covered for exposure to a single significant hazardous incident if they can sufficiently demonstrate the link between the contracted cancer and their attendance at that incident. Let us say that they turned up to one single incident once and that was it and there was an exposure event and they could prove that they contracted a cancer because of that one single exposure event. As a career firefighter, they were already covered before these rounds of legislation applied, if they can prove that. We went for five over five; we had to put a limit on a minimum exposure level. As I said before—I am not sure whether the member was in the chamber—it is very difficult to specify a particular exposure incident when a cancer may have been contracted. It is not like a physical limb, as in something that might be cut and the person can say that this particular event happened; it is very difficult to do that with cancers and exposure to carcinogens. Therefore, we have been fairly generous with our five incidences over five years for volunteers. I pointed out that is far more generous than the other states. I am not sure whether “generous” is the right word, but members get the gist of what I am saying. At the end of the day, as I pointed out in the response to the member for Willagee's comments about screening, we do not want to also see someone who may have an existing condition join a volunteer fire brigade, turn up three times over two years and say, “It is because of my service as a volunteer.” We have to be fair, but we also have to be realistic about who is covered and who is not. There is nothing stopping anyone from making a claim who may just turn up to one event and who can pinpoint that exposure to a carcinogen for contracting one of the prescribed cancers.

**Mr M.J. COWPER:** I can understand the difficulty in trying to put a framework around it and trying to define it, and I understand that if we were to address one particular issue, we may create an opportunity somewhere else, but let me say that in the case of the Yarloop fire and the years preceding it, those volunteers were also involved in the fires that went through the back of Waroona. Hopefully, they will have a fairly moderate fire season this year. Surely there must be some capacity to have a provision within this legislation to accommodate these people; it is well known that asbestos is this sort of thing. To say that someone could contract mesothelioma from continued exposure is not factual. As I understand mesothelioma, the actual particle of the asbestos can be inhaled and it only needs one single fibre to attach itself to the lining of a person's lung to trigger or cause it. There are some other medical issues that I am not au fait with, but I understand they also have to have certain DNA or some sort of pre-existing condition for mesothelioma to attack the lungs. There really is no way of knowing unless they have some sort of pre-test. I understand the difficulty with those people who may have gone in as volunteers who had a pre-existing condition; they may have been a heavy smoker or could have been involved in some sort of pest control business prior to that. At the end of the day, we are relying on protecting and showing some sort of equality between and equity for those career firefighters and volunteers. I would hate to think that they would be viewed in the eyes of the law, the government and the people any differently from career firefighters. Who is to say that someone who goes into the Western Australian fire brigade was not previously a heavy smoker, which may have caused the same sort of condition? We could have dealt with those issues when we debated that previous legislation. I understand the problem, but I am not entirely comfortable with somehow letting such situations fall through.

Prior to 7 January this year, we may have been talking about a very rare event, and the event that occurred on the evening of Thursday, 7 January was probably a generational and historic disaster. There are stories now emerging. We are trying to document them, and in a sense we can, because it is still very raw down there. I fear that there will be a continuing lag as a result of this event and I would hate to think that we are going to allow someone to fall through the cracks on this one. There is a significant asbestos presence there, amongst all the other things that we mentioned before, and I wanted to get it on record specifically because if the matter ever came before the courts and the lawyers and judges had to come back to this *Hansard* to look at the intent of this legislation, I want it to be obvious to those people who are trying to make the determination in good faith that none of us in this place would like to see a person under those circumstances fall through the cracks.

**Mr J.M. FRANCIS:** I understand entirely. I am not a doctor; I do not have a medical background. My background is as a fitter in the Navy on destroyers in boiler rooms covered in asbestos lagging, which is why I am

still on a register some 20 years later. I will always have to have computerised tomography scans on my lungs every time I get a severe cough. I understand one speck of dust in one incident could see someone contract asbestosis and related diseases maybe 10, 20, 30 or 40 years down the track. If that were to occur to a volunteer or career firefighter at any time and they did not meet the five-over-five threshold for volunteers, there is nothing in this bill to stop them from making a claim for that simple incident of exposure. They would not be covered under the principle of rebuttable presumption. If, for example, they did five turnouts over five years to qualifying events, the government would give them the benefit of the doubt but reserve the right to perhaps—as I said, I cannot really foresee it—in certain circumstances, rebut that presumption through the legal system. The bottom line is that we are saying to those people who meet the qualifying period that we are going to give them the benefit of the doubt. That becomes difficult in situations in which firefighters, whether career or volunteer, turn up to multiple incidents—for example, in the case of asbestosis. We knew that there was disturbed and undisturbed asbestos in Yarloop prior to the events of 7 January. A number of people, including volunteers who served at Yarloop, would have turned up to a number of different fires, including rubbish pile fires, fires involving non-organic and explosive material and car fires possibly involving older cars that may have had asbestos brake pads—who knows? There could have been a number of different scenarios over their time as a volunteer in which they could have been exposed to that particular carcinogen alone. As I said, if someone is exposed on a single occasion and later contracts a disease that is on the schedule, there is nothing to stop them making a claim, but they would have to pinpoint the particular exposure incident. We are trying to be reasonable here, and it would not be reasonable to cover under this legislation a volunteer firefighter who only ever turned up to one incident, but as I said, there is nothing to stop them making that claim if they can pinpoint the exposure incident.

**Mr M.J. COWPER:** I recall living in a house with my brother when I was a police officer and he was a firefighter. He would often ask me what I did and, of course, in the course of being a police officer, I would have been in back alleyways chasing people over fences, investigating burglaries and all sorts of stuff. I say this with tongue in cheek to my friends in the fire brigade, but during the winter months at the fire station, they might get a traffic control light box fire or something sensational like that. In fact, I think my brother-in-law went something like nearly 12 months in the fire brigade before he even had a fire to go to, so it took a little while. Back in those days, my brother used to go inside the hulls of ships, as did my father. My father was at Fremantle Fire Station and they used to do all the ships in the harbour. In those days, I can tell members, the breathing apparatus was either non-existent or not applied as carefully as it is today. The level of professionalism and training that firefighters have today, even compared with the early 1980s, has changed significantly, and that is great. If we are going to expose our firefighters to any potential threat, we need to ensure that we do everything we can. We cannot exclude all the dangers, but we can do all that we possibly can to try to minimise those dangers. The difference now with volunteer firefighters is that they do not go into a bushfire wearing breathing apparatus per se. In fact, many of them do not even have access to breathing apparatus or have training in that area. I would like to think that our career firefighters are better trained and better equipped than they have ever been, have the benefit of experience of dealing with certain things and understand medical conditions. The education and everything else that goes with it is now far superior; that is the point I am trying to make, but volunteer firefighters in contemporary fire situations often find themselves with abandoned cars that are burning in the bush or rubbish that has been dumped in the bush, and at the end of the day there are all those materials, such as plastics. Yesterday I was down at Lake Clifton and people have been dumping rubbish behind the limestone quarries there. That is right on the edge of where the fire came through Lake Clifton, and I could see where the fire had cleaned up a lot of it and there were a lot of old refrigerators and things that had been cleaned up there, and the firefighters going through there, doing mopping-up jobs, are exposed to that. I understand that this is weighted and that there has to be a qualification to do this, but maybe sometime in the future we may revisit this clause and recognise that they are not just being exposed to bush or a bit of grass catching on fire; there are a lot more hazards out there that perhaps, at the time, they may not even see or be able to react to. Obviously Yarloop was an exceptional situation, but with any other fire, wherever it might be—it could be an abandoned car, rubbish in the bush or a local community rubbish tip—they can never be properly protected from every scenario. I take on board what the minister said about particular incidents. I suppose this also comes back to the reports that have been put in on each fire. After the completion of any fire operation, there has to be a report, and there must be some increased reporting by the fire captain, the station officer or the bushfire control officer to report the presence of a potential hazard. I would like some reassurance on how that might happen.

**Mr J.M. FRANCIS:** Two things, member. Firstly, non-organic waste includes buildings, structures, cars and meth labs in the bush, which are very common these days. Bush fire brigades regularly turn up to fires in the bush that, once they have started putting them out, turn out to be—surprise, surprise—another meth lab or a rubbish dump that they did not know was there. But when they fill in an incident report at the end of it, they simply have to note that there was something else in the bush other than bush, and therefore it becomes a qualifying incident. Another thing—if it gives the member any reassurance—is that the legislation that

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spearheaded this legislation, the amending legislation to cover currently serving career firefighters, requires a review in 2018, regardless. We are limited by the medical science we have right now in 2016. If something changes, as I said, there is always the ability to make that amendment later to add a further cancer. If some medical professors turn around and say, “Hey, firefighters are also contracting another type of cancer that we haven’t looked at already, probably because of the nature of their exposure”, then we can add another one to it later. But certainly, the exposure rate for volunteers will no doubt be looked at in the future. I can tell the member, looking at other jurisdictions that have brought in this legislation—I am sure I will get a letter from the Tasmanian minister saying that I have been very harsh on Tasmania—I think the Tasmanian threshold was fairly disingenuous. No-one is ever going to reach what it asks; as a volunteer, it is just not going to happen. Even a career firefighter might struggle in Tasmania to reach that number of incidents. A lot of time, consultation and energy went into coming up with the five-over-five threshold so that we are at a level that is genuine, and that the majority of active volunteers will be able to meet the threshold. With bush fire brigades, I only know the experience of my brigades, but most of the guys who are active in that would turn up to five qualifying incidents a year. If a person puts in five years, they will be given that presumption. If a person does not meet the threshold, as I said, there is nothing to stop them from seeking some kind of coverage for their exposure, but it will not come under this clause. We are trying to do the right thing. We have to be reasonable and we have to be realistic about what people will and will not meet as far as the thresholds are concerned. I am not suggesting that someone would do this, but we do not want a situation in which someone turns up to one incident, calls it quits, and 15 years down the track gets exactly the same cover as a career firefighter. That would not be fair, either.

**Mr M.J. Cowper:** Is there any way you can track and look at how many of the 26 000 volunteers would meet the thresholds over the next five years?

**Mr J.M. FRANCIS:** We actually did some of the turnout figures. I do not have them here, but I am happy to get them for the member later. We did some of the turnout figures when looking at what was a reasonable threshold to aim for. I appreciate that the lower we set the threshold, the more it would cost, but it was not looked at by saying that we will spend this much money, so let us set this threshold. Rather, it was: what is a reasonable threshold under which people will qualify, what is reasonable considering the exposure rates of career firefighters and what is reasonable given community expectations? When we weighed up all those things, the 25 over five—five a year—was reasonable to aim for.

**Ms M.M. QUIRK:** Proposed new section 36ZN(3) reads —

For the purposes of subsection (2), a volunteer is taken to have been exposed to the hazards of a fire scene if the responsible agency —

And these are the important words —

is satisfied that the volunteer has completed a period of hazardous firefighting service ...

Et cetera. To what standard does the responsible agency need to be satisfied?

**Mr J.M. FRANCIS:** Member for Girrawheen, I am advised that this is obviously in the event that someone is going to want to be deemed to have qualified under this particular legislation. They can submit that their exposure incident occurred and that they have records of it. Those records could be either/or records held by the Department of Fire and Emergency Services or their brigade—an affidavit or statutory declaration from their brigade captain—an incident report or their own personal records. Obviously, there will be an assessment of those documents. That will not be required for career firefighters clearly as we outlined before, as we just assume that they will attend at least five qualifying incidents a year. When we looked at that aspect, we could not find anyone who had not. That will give them the aggregate required to ensure that their exposure qualifies. It could be a combination of all those particular sources. At some time in the future, it could be, as I said, that electronic records with the FFRS apply when an incident is recorded electronically as being hazardous—whatever it might be. If there is any doubt, they can always appeal to the commissioner. As many people who should be able to be considered as qualifying under the legislation will qualify. I hope that answers the member’s question.

**Ms M.M. QUIRK:** No, it does not, minister, but I will not labour the point other than to say that I was asking about the standard of proof, not what constitutes proof. The clause refers to “is satisfied”.

**Mr J.M. FRANCIS:** I am advised that it is the balance of the probability.

**Clause put and passed.**

**Clauses 8 to 11 put and passed.**

**Title put and passed.**

Leave granted to proceed forthwith to third reading.

*Third Reading*

**MR J.M. FRANCIS (Jandakot — Minister for Emergency Services)** [5.45 pm]: I move —

That the bill be now read a third time.

**MS M.M. QUIRK (Girrawheen)** [5.46 pm]: As the Minister for Emergency Services has probably gathered, I am very keen that this legislation proceeds upstairs and is passed before Parliament is prorogued pending the election. I want to make a couple of comments in the third reading debate. The first is that, yes, we acknowledge that it was difficult to cover these volunteers and career firefighters who had not been picked up in the previous legislation. We accept that it was a difficult drafting exercise. We thank the minister for progressing the matter. There was certainly an anomaly as to who was covered and who was not.

As the member for Willagee said, firefighters have to deal with a number of issues, not the least of which is post-traumatic stress disorder and fatigue. We know that firefighters' protective gear lets in carcinogens because, as a result of the nature of that gear, it needs to be permeable so that firefighters do not get too hot. In addition, there are after-hours callouts, absences from families when everybody else is on holidays and road crash rescues which, time and time again, certainly add to the toll of psychological damage. This bill is as much about acknowledging that there are some things that we cannot guard against, but we need to ensure that people in the service of our community who get cancer are adequately compensated and looked after during their illness.

In terms of cancer itself, a number of varieties of cancer, through the good efforts of the medical profession and researchers, have a much better prognosis than others. But by definition, some of the cancers acquired by firefighters are rather rare or contracted at a much earlier age. In a sense, they defy the normal progression of such diseases, and it is by no means certain that recovery will be a given.

I take this opportunity to acknowledge the work of the many people who keep our communities safe in either firefighting or road crash rescue. I was told off for not mentioning road crash rescues enough in my second reading contribution. I stress that that is a particular challenge for first responders. They do so admirably, but one of the casualties of that is quite often their health. I will not delay the passage of this bill further. I commend the bill to the house.

**MR M.J. COWPER (Murray–Wellington)** [5.49 pm]: I want to make a few comments on the third reading of the Firefighters and Emergency Volunteers Legislation Amendment (Compensation) Bill 2016. I thank the Minister for Emergency Services for bringing the bill to the house. As we well know, the 26 000-odd volunteers in Western Australia perform an outstanding function for this state. Imagine what it would cost the state if we did not have those volunteers and had to pay people to do that work—it would probably send the state broke, or more broke, and we would all be the less for it. One issue—which I suppose cannot be seen in a bill—is the fact that we are talking about communities. The volunteers in and around the small regional towns in Western Australia are as vital to the social and mental wellbeing of their communities as the football clubs and the tennis clubs. A lot of work has been done in my electorate in recent times to ensure that people who have suffered in bushfires are able to process what has happened and move on as best they can with their lives. That includes not only those who have had property destroyed, but the firefighters who had a heavy weight fall on them as a result of the disaster. It is good that the government is now providing tangible support for our firefighters, whether they be career or volunteer, and I am sure that will be well received by most people.

I want to make one other comment that does not have much to do with this bill per se, but I am curious to see what will develop in a certain space. There is a memorial in Kings Park that recognises a number of people who have lost their lives. I wonder whether any thought has been given to a memorial to recognise volunteers who are afflicted—hopefully there will not be any—in the future. I understand the memorial in Kings Park was done at the instigation of the United Firefighters Union, and good on it—well done. I wonder whether any thought has been given to what we might do to recognise the hard work that has been done and the firefighters we have lost. I know we lost a couple a few years ago in the line of duty in Albany and other places. Other than that, I commend the bill to the house, and well done to everyone here.

**MRS M.H. ROBERTS (Midland)** [5.52 pm]: I would like to make a few remarks on the Firefighters and Emergency Volunteers Legislation Amendment (Compensation) Bill 2016. I am very, very pleased that at long last, this bill is before us. I acknowledge the issues and questions that have been raised very genuinely by both the member for Girrawheen and the member for Murray–Wellington, and I commend the minister for bringing the bill before the house. We were set to deal with this bill in the Legislative Assembly a couple of weeks ago when the house last sat. However, due to someone's oversight, there was no Governor's message, because apparently people were not advised that a Governor's message was needed in order for this bill to progress through the house. I am very pleased that the Leader of the House has listed this bill as the first item for this week, and I hope we will put it through the house speedily, because I am sure people are waiting on the outcome.

**Extract from Hansard**

[ASSEMBLY — Tuesday, 6 September 2016]

p5448d-5461a

Mr Mick Murray; Mr Peter Tinley; Mr Chris Tallentire; Mr Joe Francis; Ms Margaret Quirk; Mr Murray Cowper; Mrs Michelle Roberts

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This is very worthwhile legislation. It will assist groups of people whom the community would certainly want to see appropriately recognised and compensated.

Our career firefighters are a dedicated and amazing workforce, and I had the great pleasure of being their minister for some five years. I also had the pleasure in that role of looking after our volunteer emergency services workers. People often ask me which portfolio I enjoyed the most when I was a minister, and I had a lot of portfolios eventually, but I have to say that it was certainly a privilege to be the minister responsible for the fire and emergency services portfolio because of the people I represented and the job that they did. The volunteers whom I met throughout the length and breadth of this state were the heart and soul of every community I visited. People often forget that although the metropolitan area is extremely well served by career fire services, as are a limited number of country centres, including Kalgoorlie, Bunbury, Albany, Geraldton and Broome, the remainder of this vast state of some 2.5 million square kilometres is served principally by volunteers, who do an amazing job. Therefore, this is the very least we can do.

I do not intend to delay this bill at all, but I note the contribution by the member for Gosnells. I missed that contribution, but I did hear the minister's response to the second reading debate about the issue of payment to volunteers. It was mentioned that there was a bit of discussion across the chamber about that issue, and it was suggested that that is not what the member for Gosnells was purporting to say in any event. However, I would say that it has been my long-held view that there should be tax deductible benefits for volunteers. There is an anomaly that when there is some form of emergency, whether it is an out-of-control bushfire, a cyclone, or whatever, volunteers do not have an issue with turning up side by side with paid personnel. However, it is certainly my view that they should not be out of pocket. A person in the Army Reserve, for example, can claim full tax deductibility if they turn out to a search-and-rescue-mission or whatever the event is. However, if a volunteer incurs out-of-pocket expenses, those expenses are not necessarily met. This is not a matter for the state government. It is a matter for the commonwealth government, because of the technicality that these people are not entitled to get tax deductibility because they are not actually earning an income. That issue should be addressed.

In concluding, I want to say that the member for Murray–Wellington has raised an excellent idea for a memorial in Kings Park. I know he and his family have been personally affected by issues related to this bill. If a person has contracted asbestosis or a similar condition as a result of their work in the fire service, that has taken their life just as surely as a tragic accident that might occur in instant. They have lost their lives in the line of duty—because of those duties they have undertaken. The member for Murray–Wellington has made an excellent point, and I hope that this government and all future governments take it into account. If a person contracts a disease as a result of turning out to a number of incidents or a particular incident, and that disease ultimately takes their life, they should be recognised too.

Question put and passed.

Bill read a third time and transmitted to the Council.