



**Hon John Mickel MP**  
Member for Logan



**Queensland  
Government**

Ref: MC38397 & A/6734

**Minister for Transport, Trade,  
Employment and Industrial Relations**

09 OCT 2008

Mr Neil Laurie  
The Clerk of the Parliament  
Parliament House  
George Street  
BRISBANE QLD 4000



Dear Mr Laurie

Thank you for your letter dated 28 August 2008 regarding Petition Number 983-08 posted by Mr Henry Lawrence of the United Firefighters Union (UFU) of Australia Union of Employees. This petition seeks to have specific cancers and diseases accepted as presumptively due to a firefighter's occupation for the purposes of workers' compensation, thus removing any onus of proof.

I have been advised that, in Australia, the Commonwealth and each state and territory jurisdiction have separate legislative regimes governing workers' compensation entitlements, although the basis of entitlement is very similar. No Australian jurisdiction has presumptive legislation in place.

Claims in Australia are assessed on a case-by-case basis according to the facts of the claim, medical opinion and available evidence of exposure in the workplace.

The Commissioner, Queensland Fire and Rescue Service has advised that he is confident the current Queensland WorkCover legislation provides adequate compensation entitlements and access to common law rights should an occupational disease be sustained.

I have been further advised that Queensland WorkCover legislation incorporates a 'no fault' system of statutory compensation under which a firefighter, or indeed any worker, who sustains an occupational disease will have entitlement to compensation if their illness arises out of or in the course of their employment.

Under this regime it is considered that any firefighter who is diagnosed with an occupational disease will be able to gain compensation if there is medical evidence that the disease is work-caused. Accordingly, it is not considered that presumptive legislation is warranted in Queensland.

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The Queensland Government is committed to ensuring the health and safety of all Queensland firefighters and has designed its operational practices to protect firefighters from exposure to environmental contaminants.

Yours sincerely

A handwritten signature in cursive script, appearing to read "John Mickel". The signature is written in black ink and is positioned above the printed name.

**JOHN MICKEL MP**  
**Minister for Transport, Trade,**  
**Employment and Industrial Relations**