



Do you qualify for presumptive legislation?

Self assessment checklist

All members

Since the mid-1990s, your union has been campaigning for changes to workers' compensation legislation that acknowledge the link between firefighting and a number of specific diseases. In the lead up to the 2015 state election, your union won a commitment from both sides of politics to act on this issue by making it easier for firefighters to make a WorkCover claim for a specific range of diseases.

In September 2015, the Palaszczuk Government passed amendments to the *Workers' Compensation and Rehabilitation Act 2003* that resulted in the introduction of presumptive legislation for Fire and Rescue Service (FRS) firefighters who are diagnosed with one of 12 specified diseases. This means that firefighters who meet the eligibility criteria are entitled to claim workers' compensation without having to prove that the diagnosis of their illness is work related. This is now presumed. If WorkCover or the FRS wanted to challenge any of these claims, they must now provide appropriate evidence to substantiate that the illness is not work related.

The list of 12 specified diseases was compiled through reference to epidemiological studies both in Australia and overseas. The list is exclusive for the time being, but will be reviewed periodically to include more recent findings as the research continues.

This self assessment checklist will help you determine whether the presumptive legislation applies to you.

If you do not qualify for presumptive legislation you may still be eligible to make a workers' compensation claim. However, it will be assessed in accordance with WorkCover Queensland's normal determination processes. For more information please contact the UFUQ state office on 1800 816 589

1. Have you been diagnosed with any of the following diseases?

- (a) primary site brain cancer
- (b) primary site bladder cancer
- (c) primary site kidney cancer
- (d) primary non-Hodgkins lymphoma
- (e) primary leukaemia
- (f) primary site breast cancer
- (g) primary site testicular cancer
- (h) multiple myeloma
- (i) primary site prostate cancer
- (j) primary site ureter cancer
- (k) primary site colorectal cancer
- (l) primary site oesophageal cancer

Yes – Please continue to question 2

No – You do not qualify for presumptive legislation. Your workers' compensation claim will be assessed in accordance with WorkCover Queensland's normal determination processes. Please contact UFUQ on 1800 816 589 to discuss further.

2. Has it been more than 6 months since you were first diagnosed with the listed disease?

Yes – Generally, a worker is only eligible to make a workers' compensation claim within 6 months of sustaining an injury or being diagnosed with an illness or disease. However, WorkCover Queensland has the discretion to waive this period under certain circumstances. If you think that your circumstances may be exceptional please contact UFUQ on 1800 816 589 to discuss further.

No – Please continue

For primary site brain cancer or primary leukaemia – **go to question 3.**

For primary site breast cancer or primary site testicular cancer – **go to question 4.**

For multiple myeloma, primary site prostate cancer, primary site ureter cancer, primary site colorectal cancer, primary site bladder cancer, primary site kidney cancer or primary non-Hodgkins lymphoma – **go to question 5.**

For primary site oesophageal cancer – **go to question 6.**

3. Have you been employed as a firefighter or station officer for an accumulative period of at least 5 years?

Yes – You qualify for presumptive legislation. Please refer to the attached information sheet, *making a presumption of injury workers' compensation claim*.

No – You do not qualify for presumptive legislation. Your workers' compensation claim will be assessed in accordance with WorkCover Queensland's normal determination processes. Please contact UFUQ on 1800 816 589 to discuss further.

4. Have you been employed as a firefighter or station officer for an accumulative period of at least 10 years?

Yes – You qualify for presumptive legislation. Please refer to the attached information sheet, *making a presumption of injury workers' compensation claim*.

No – You do not qualify for presumptive legislation. Your workers' compensation claim will be assessed in accordance with WorkCover Queensland's normal determination processes. Please contact UFUQ on 1800 816 589 to discuss further.

5. Have you been employed as a firefighter or station officer for an accumulative period of at least 15 years?

Yes – You qualify for presumptive legislation. Please refer to the attached information sheet, *making a presumption of injury workers' compensation claim*.

No – You do not qualify for presumptive legislation. Your workers' compensation claim will be assessed in accordance with WorkCover Queensland's normal determination processes. Please contact UFUQ on 1800 816 589 to discuss further.

6. Have you been employed as a firefighter or station officer for an accumulative period of at least 25 years?

Yes – You qualify for presumptive legislation. Please refer to the attached information sheet, *making a presumption of injury workers' compensation claim*.

No – You do not qualify for presumptive legislation. Your workers' compensation claim will be assessed in accordance with WorkCover Queensland's normal determination processes. Please contact UFUQ on 1800 816 589 to discuss further.

Making a presumption of injury workers' compensation claim

If you have been diagnosed with one of the 12 specified diseases listed in the attached questionnaire, and you have fulfilled the prescribed minimum employment period you **will not** have to prove that the diagnosis of your illness is work related.

You should contact the UFUQ industrial team to assist you in making a claim of this kind. The process is relatively simple, and does not require legal representation.

To make a presumption of injury workers' compensation claim to WorkCover Queensland, you will need the following documentation –

1. A workers' compensation medical certificate from a treating doctor containing:
 - The details of your diagnosis,
 - The date of your diagnosis; and
2. A copy of your histopathology report. This can be obtained from your treating doctor; and
3. Documentation which confirms your period of employment with the Fire and Rescue Service (FRS). This can be provided directly to WorkCover Queensland by FRS, however, to avoid delays in the determination of your claim you can provide this evidence by way of a copy of your letter of appointment or service medals/certificates or tax notice of assessments or superannuation records or any other documentation which provides a record of your period of employment.

Once you have gathered the information listed above you can lodge a claim with WorkCover Queensland.

For more information on lodging a WorkCover claim please see the UFUQ 'WorkCover Claims' factsheet or feel free to contact the state office on 1800 816 589.