




Speech By
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MEMBER FOR MOGGILL

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**WORKERS' COMPENSATION AND REHABILITATION AND OTHER
LEGISLATION AMENDMENT BILL**

 **Dr ROWAN** (Moggill—LNP) (4.36 pm): I rise to make a contribution to the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020. At the outset I take the opportunity to thank and commend all of our first responders, those in various emergency services, for the work that they do, but in particular for the work that they have done over the last 12 months.

In Queensland the compensation scheme that is in place for those who suffer a work related injury is established under the Workers' Compensation and Rehabilitation Act 2003 which allows for an employer's obligation to be covered against liability for compensation and damages either through a WorkCover insurance policy or under a licence as a self-insurer. The legislation that is before the House today is specifically seeking to enact amendments to the workers compensation scheme as it pertains to first responders who are diagnosed with post-traumatic stress disorder.

By way of background, in 2019 a ministerial stakeholder reference group was formed specifically to consider the findings of a number of reports, including a review in 2018 by Phoenix Australia of the workers compensation claims process for first responders claiming for psychological injuries; a report in 2018 by Beyond Blue titled *Answering the call* which revealed substantially high rates of psychological distress, mental health conditions, as well as suicidal thinking and intent and planning amongst first responders when compared to the general population; and a report in 2019 issued by the Commonwealth Senate following an inquiry into first responder health which recognised the need for early intervention mental health support and made recommendations across the areas of prevalence reporting and management of first responder psychological injuries, workers compensation, return to work and post retirement support.

What the reference group found, and according to the explanatory notes, is that while trauma related injuries such as PTSD from single or cumulative trauma were covered under the workers compensation scheme, the enacting of presumptive workers compensation legislation may assist in overcoming barriers to accessing compensation such as difficulty meeting the legislative test for injury given instances of first responders being unable to identify a single event causing their injury due to their cumulative exposure to trauma. In other words, under the current scheme the onus is on first responders to prove that their employment is a 'significant contributing factor' in causing their psychological injury.

Therefore, and following the findings of the aforementioned reference group, this legislation introduces a presumptive workers compensation law and will reverse the onus of proof by placing the evidentiary burden on employers. This presumption will apply only where there is a psychiatric diagnosis of PTSD for defined first responders and eligible employees.

Whilst no-one can argue against the intent of ensuring the injury claim process for first responders is as supportive as possible and does not further exacerbate any trauma or injury, unfortunately there are a number of structural and long-term issues that are worth highlighting and must be further considered by the Queensland state Labor government. One of the primary concerns and issues

highlighted through consultation on this legislation is the fact that the terms 'first responder' and 'eligible employee' have not been specifically and sufficiently defined in the legislation. Those key terms are, in essence, defined as meaning a paid work or volunteer employed in a profession prescribed by regulation and where the person's employment requires the person to respond to a life-threatening or traumatic incident.

A number of stakeholders submitted to the committee their concerns with regards to these definitions being wholly insufficient and possibly leading to an adverse consequence. By way of just one example, in its submission the Queensland Law Society stated that it was concerned that both the terms 'first responder' and 'eligible employee' were 'extremely broad' and there would be a broad scope of persons who may be covered by the proposed inclusion of 'relevant volunteer'. As such, the Queensland Law Society held that the proposed definitions as they currently stand risk a negative impact on the viability of the WorkCover scheme.

That being said in relation to ensuring the due diligence and financial sustainability of the scheme, I would like to refer to the submission by the Australian Medical Association of Queensland and ask the Minister for Industrial Relations to provide further clarity. As a former president of the Rural Doctors Association of Queensland and a former medical superintendent with right of private practice, I specifically ask the Minister for Industrial Relations to clarify whether medical superintendents with right of private practice and medical officers with right of private practice as well as credentialed visiting medical officers to emergency departments in rural communities across Queensland will be covered under these arrangements. I worked in those aforementioned roles in a number of rural communities such as Mungindi, Biggenden and Oakey. There were many occasions when I was responsible for clinically assessing and treating patients who were involved in motor vehicle accidents and farm related trauma as well as domestic and family violence situations.

As many in the medical profession will know, working in either solo MSRPP or combined MSRPP/MORPP rural communities, responding to and treating such emergency clinical events takes place in either a Queensland Health owned facility or alternatively in a government community health centre. There is no doubt that such professional experiences can cause significant distress and result in significant mental health disability, including major depressive disorders as well as PTSD. We all know of the unfortunate explosion at the Grosvenor mine in Central Queensland. The response was coordinated through Moranbah Hospital, which is a 12-bed facility. It was very fortunate that on the day a rural generalist with anaesthetic skills was able to attend to a number of patients there. Certainly that is but one example of medical and health professional staff who may develop sequelae as far as their own mental health is concerned, whether it be developing a depressive disorder or a post-traumatic stress disorder condition following dealing with such instances. Therefore, I would appreciate the minister clarifying whether coverage will be extended to those frontline medical and health professionals.

It is important that as elected representatives in the Queensland parliament we take the time to consider, scrutinise and evaluate the sustainability and viability of systems such as WorkCover in Queensland. While these matters of coverage and insurance are, of course, important for employees, it is equally important to consider the many other circumstances or situations in the broader community where such provisions of insurance coverage are either lacking or non-existent. If we look at the example of employers, whilst they can take out a range of insurances there are situations where insurance is unable to be provided by private insurers or where it is too prohibitive. This is when state compensation schemes could assist in providing coverage for not only employees but also employers.

Recently I was discussing this very notion with a local business owner and operator at the Bellbowrie shopping centre whose recent health has been very problematic. That was part of a broader discussion that I was having with him on a range of current challenges facing business owners relating to the COVID-19 pandemic and the associated business restrictions, including various compliance obligations on tax and reporting as well as important and timely compliance with workplace health and safety regulations. He raised those issues with me. I wish to reiterate how important it is that this state Labor government, while seeking to legislate for a particular set of as yet not fully defined workers and employees, does not lose sight of the broader economic landscape and ensures our workplace health and safety regulations do not further or unfairly prohibit business growth at a time when our economy needs it the most.

Finally, I take this opportunity to thank all members of the 57th Parliament's Education, Employment and Training Committee, including the LNP members: the deputy chair and member for Southern Downs, and the member for Theodore. I acknowledge the assistance provided by the committee secretariat whose role and function is very important when we scrutinise and have oversight of legislation. I also acknowledge all of the stakeholders for their contributions to the consideration of this legislation.