




Speech By
Hon. Grace Grace

MEMBER FOR MCCONNEL

Record of Proceedings, 26 November 2020

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

Introduction

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education, Minister for Industrial Relations and Minister for Racing) (2.37 pm): I present a bill for an act to amend the Workers' Compensation and Rehabilitation Act 2003 and the Workers' Compensation and Rehabilitation Regulation 2014 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Education, Employment and Training Committee to consider the bill.

Tabled paper: Workers' Compensation and Rehabilitation and Other Legislation Bill 2020 [242](#).

Tabled paper: Workers' Compensation and Rehabilitation and Other Legislation Bill 2020, explanatory notes [243](#).

Tabled paper: Workers' Compensation and Rehabilitation and Other Legislation Bill 2020, statement of compatibility with human rights [244](#).

This bill reintroduces, with no changes, the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020, originally introduced on 12 August 2020—which happens to be my birthday—as reported in *Hansard* at pages 1955 to 1957, which lapsed with the dissolution of the 56th Parliament on 6 October 2020 and before the Education, Employment and Small Business Committee could complete its inquiry into the bill. This bill provides an important safeguard for first responders entering the workers compensation scheme by introducing presumptive workers compensation laws for our first responders and eligible employees of first responder departments diagnosed with post-traumatic stress disorder, PTSD.

Presumptive workers compensation laws allow easier, more timely access to necessary support and compensation by reversing the onus of proof and deeming an injury to be work related, unless there is evidence to the contrary. Presumptive laws do not create new or change any existing workers compensation entitlements, but instead provide a different pathway for certain claims to access the scheme.

The bill defines first responders as workers or volunteers who respond to time-critical, often life-threatening incidents, including police officers, ambulance officers, firefighters, corrective services officers, authorised officers within Child Safety, Youth Justice staff members, as well as doctors and nurses working in certain areas. It also includes workers performing identical roles in the private sector. The presumption will also apply to eligible employees in first responder departments if they work in a role which exposes them to repeated or extreme details of traumatic incidents.

Due to the unique manner in which PTSD may present in first responders, particularly where there has been cumulative trauma, and to optimise treatment and rehabilitation, the PTSD diagnosis must be certified by a psychiatrist. If a first responder does not have a specialist diagnosis, the insurer will be responsible for arranging and funding this requirement.

The presumption can be rebutted if there is evidence employment was not the cause of the PTSD. However, the reasonable management action exclusion for psychological injuries will not apply to the presumption. I am proud to commend the bill to the House.

First Reading

Hon. G GRACE (McConnel—ALP) (Minister for Education, Minister for Industrial Relations and Minister for Racing) (2.40 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Education, Employment and Training Committee

Mr SPEAKER: In accordance with standing order 131, the bill is now referred to the Education, Employment and Training Committee.

Portfolio Committee, Reporting Date

Hon. G GRACE (McConnel—ALP) (Minister for Education, Minister for Industrial Relations and Minister for Racing) (2.41 pm), by leave, without notice: I move—

That, under the provisions of standing order 136, the Education, Employment and Training Committee report to the House on the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill by 12 February 2021.

Question put—That the motion be agreed to.

Motion agreed to.