




Speech By
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MEMBER FOR COOPER

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WORKERS' COMPENSATION AND REHABILITATION AND OTHER LEGISLATION AMENDMENT BILL

 **Ms BUSH** (Cooper—ALP) (3.05 pm): I rise to speak in support of the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020. I am confident that all members of the House will be unified in our view that first responders play a critical role in protecting and serving the Queensland community. I have had the privilege of working in frontline services as a support worker dealing with victims of violence and their families. On that point I acknowledge the work of the Queensland Homicide Victims' Support Group, their members and volunteers who were with us today as part of their 2021 awareness day activities. I extend my gratitude to members of the House who made the time to go along. I saw lots of members from both sides who went along to hear their stories. I know that would have meant a lot to the volunteers and members, so I thank everybody here for that.

I have benefited from working closely with our first responders, members of the Queensland police and workers from across the departments of justice, child safety, corrective services, and fire and emergency services. I know how impossible it is for us in this room today to truly understand the scenarios that they face every day going to work, the things that they see and hear, smell and experience, and the toll that that can take on a person throughout their career.

This bill specifically addresses the issue of eligibility and access for first responders diagnosed with a work related post-traumatic stress disorder, or PTSD, injury within Queensland's workers compensation scheme. It follows the work of a stakeholder reference group of first responders and first responder departments established in 2019 to consider this issue. It also builds on the seminal report authored by Beyond Blue in 2018, *Answering the call national survey*, which looks specifically at police and emergency services employees and volunteers. It revealed that, despite having generally positive mental wellbeing and resilience levels, frontline workers and first responders also had substantially higher rates of psychological distress, mental health conditions and suicidal thinking and planning compared to the general population. The report found that, for first responders, workers compensation claims rates related to mental health conditions or psychological injuries were 10 times higher than that of the broader Australian workforce. It also found that police and emergency services personnel who were exposed to the workers compensation system overall find it unhelpful or sometimes even detrimental, unfortunately, to their recovery.

Subsequent to that report, in 2019 the Minister for Education and Minister for Industrial Relations established the stakeholder reference group to consider the evidence around this issue and develop an action plan for improving the workers compensation experience and mental health outcomes for Queensland's first responders. The symptoms of PTSD can include persistent re-experiencing of the trauma events, avoidance of situations and activities that are triggering, numbing, feeling detached from other people, difficulty sleeping, difficulty concentrating, irritability, anxiety and hypervigilance. Often PTSD has a devastating and long-term impact on an individual and their families, particularly if left untreated. Not only do we lose the benefit of productivity for the individual; if a person can no longer

work in that workplace or sector, employers are left with the attrition costs such as recruitment and training costs. In addition, there are the direct costs to individuals and their families throughout the diagnosis, treatment and recovery process. Quite simply, it makes economic sense and, quite frankly, it is the right thing to do to support our Queensland frontline staff and to pass this bill.

The bill provides presumptive workers compensation laws for our first responders and eligible employees of first responder departments diagnosed with post-traumatic stress disorder. Presumptive laws remove one of the primary barriers for access to the workers compensation scheme for those experiencing PTSD by providing that workers no longer need to prove that their PTSD is a work related injury to have their claim accepted.

Presumptive workers compensation laws were also recommended by the stakeholder reference group as a key measure to improve a first responder's claim experience. This bill reverses the evidentiary onus, which means that first responders with a psychological injury or PTSD would not have to prove that their work was a significant cause of the injury. This approach encourages timely access to compensation and treatment while minimising the emotional and financial impact associated with applicants having to prove their case.

We saw through various submissions the barriers that first responders face in lodging a claim currently, including the claims determination process and return-to-work opportunities. The United Workers Union also succinctly summed up some of the additional complexities surrounding workplace culture and stigma in their submission when they said—

These issues are compounded by a culture of strength and resilience in first responders which underplays the seriousness of mental health issues and, inadvertently, discouraging treatment.

The net effect of these challenges is first responders tend to not to make workers compensation claims until they are either at breaking point, or cannot continue to work.

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.

First responders are defined in the bill as workers or volunteers who respond to time critical and often life-threatening incidents. This includes police officers, ambulance officers and paramedics, firefighters including volunteers and rural fire brigade members, members of the State Emergency Service, corrective services officers, authorised officers within Child Safety and Youth Justice, as well as doctors and nurses working in certain areas such as emergency and trauma care. It also includes workers performing corresponding roles in the private sector such as paramedics working in the not-for-profit sector.

The bill also provides coverage for other eligible employees in recognised first responder departments if they work in a role that exposes them to persistent or acute traumatic incidents; for example, communications officers providing advice in emergency situations or workers whose role and functions require them to look closely at child sexual assault cases. This bill covers both those workers who are physically on the scene and directly involved in responding to a traumatic situation and those whose work exposes them in other ways to graphic details of traumatic incidents. These represent the cohort of workers where there is evidence of a strong causal connection between their employment and PTSD.

If the bill is passed, we have committed to undertake a review of the scope of coverage after 12 months to evaluate the appropriateness of who is included under the presumptive pathway. The planned 12-month review will allow for some maturity in this new process and assist in examining the effectiveness of these laws in addition to evaluating whether additional occupations should be included.

Further, it is recognised there are many roles across the public and private sectors which may be exposed to traumatic incidents or who regularly work in times of crisis. It is important to clarify that if the presumption does not apply workers are still able and encouraged to lodge a claim for a work related injury under the scheme's existing decision-making pathway.

The bill requires a PTSD diagnosis to be certified by a psychiatrist. This requirement recognises the unique manner in which PTSD may present in first responders. To ensure first responders are not impeded in making a claim and are able to access support as soon as possible, if a first responder does not have a diagnosis from a specialist the insurer will be responsible for arranging and funding one. Importantly, this does not prevent an insurer from accepting a PTSD claim based on a diagnosis by a doctor alone if they are satisfied that the injury is work related.

Under the bill, the presumption can be rebutted but only if there is evidence employment was not the cause of the PTSD; for example, if a psychiatrist certifies that a first responder's PTSD was caused by an incident perhaps that has occurred outside of their employment.

I think it is important also to acknowledge the investment that many departments and agencies have made in preventing the onset of PTSD. As we all know, prevention is preferred. Many, if not most, frontline services now invest in employee assistance programs that help provide free psychological support to employees and often their families.

This bill continues the proud record of the Palaszczuk government in protecting and advancing the rights of Queensland workers—I am proud to join a government that has championed this cause—for example, with paid pandemic leave, nation-first labour hire licensing laws, nation-first paid domestic and family violence leave, industrial manslaughter laws and portable long service leave for the community services sector which is a fantastic initiative. This bill offers another important and necessary reform to protect our workers and I commend it to the House.