




Speech By
Laura Gerber

MEMBER FOR CURRUMBIN

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WORKERS' COMPENSATION AND REHABILITATION AND OTHER LEGISLATION AMENDMENT BILL

 **Mrs GERBER** (Currumbin—LNP) (5.31 pm): Firefighters, paramedics, doctors, nurses, police officers and SES workers—these are the people who this bill will affect. Across the political divide, we all agree that these local legends are the people we see in the community who are working hard to keep us safe. Floods, bushfires, COVID-19 and triple 0 calls—it does not matter what is happening. They are always there ready to protect us and it is this government's job to protect them. Queensland's real-life heroes may be captured in print, in photographs and in the irresistibly popular Australian firefighters animal lovers calendar, but they are just as human and vulnerable as you and me, Madam Deputy Speaker Lui.

These first responders are not invincible. By the very nature of their job, Queensland's first responders are exposed to an array of traumatic incidents and, as such, are reported to have a high risk of developing PTSD. A 2018 survey by Beyond Blue, *Answering the call*, found that first responders' rate of claim for mental health conditions or psychological injuries was 10 times that of an average adult in the Australian workforce. This finding is well supported. It is for this reason that the LNP will not be opposing this bill. The LNP supports a strong and sustainable workers compensation system that ensures all Queensland workers who suffer a physical or a mental injury or illness are able to recover and receive the support they need to do so.

There are first responders in my electorate of Currumbin who would stand to benefit from the amendments proposed by this bill should they find themselves suffering the effects of trauma as a result of what they are exposed to on the front line. These are locals who face death and violence on a near daily basis; they are people who deserve to be protected by this government.

This bill aims to amend the Workers' Compensation and Rehabilitation Act 2003 and the Workers' Compensation and Rehabilitation Regulation 2014 to introduce presumptive workers compensation laws for first responders diagnosed with post-traumatic stress disorder. As the Leader of the Opposition has often said, we will be the first to recognise when the government does something right. This bill aims to improve workers compensation claims and mental health outcomes of first responders in Queensland by allowing first responders easier and timelier access to support and compensation, and we are with the government in this endeavour.

The bill makes support and compensation available without a first responder having to prove that their PTSD is a work related injury. The presumption of injury provision and the reversal of the onus of proof means that, where a person is diagnosed by a psychiatrist as having PTSD and at any time before the diagnosis was employed as a first responder, that person is taken to have an entitlement to compensation for that injury. This is the case unless evidence is presented by the first responder's employer to the contrary.

Notably, the proposed amendments presented in this bill have a broad scope in their reference to the term 'first responders'. First responders are defined in this bill as workers who, due to their employment, are required to respond to incidents that are life threatening or otherwise traumatic. This

can include police, ambulance personnel, paramedics, firefighters, child safety officers, Youth Justice staff members, emergency nurses and medical practitioners. I also note the amendments moved by the minister to include coalminers, and I welcome this amendment because who could forget the horrific Grosvenor mine blast which left those first responders deeply affected with ongoing trauma and pain.

Additionally, other workers in the first responder departments are also covered by the bill. This refers to workers whose employment requires them to experience repeated or extreme exposure to graphic details of a traumatic scene. This includes workers exposed to child exploitation material as part of their employment—for example, in having to classify child exploitation material to prepare a case for prosecution. As a former prosecutor in the child exploitation team, I have firsthand experience with the work related trauma that can be caused by the very necessary role that officers play in having to view and classify child exploitation material in order to successfully prosecute a case. I myself employed tools to minimise my own trauma when dealing with evidence in child exploitation cases. I made sure I never viewed the material after 2 pm so that the image did not stay with me when I went home for the day. Despite the best endeavours of employers and workers to put in place measures to prevent mental trauma, persistent and extreme exposure to such graphic and abhorrent images can take its toll, no matter the tools you employ to protect yourself, so I welcome these amendments.

To demonstrate the LNP's conviction here, I note that it was an LNP government which first introduced presumptive legislation for firefighters and that the architect of our workers compensation scheme—a scheme that the minister has acknowledged is one of the best workers compensation schemes in Australia—was the LNP when we were in government. We backed our workers by introducing legislation that led to the lowest workers compensation premiums for businesses, and we are again backing our workers by giving this bill bipartisan support.

I will now turn to those parts of the bill where concerns have been raised. One of those is the broad definition of 'first responders', which I have already mentioned. The Queensland Law Society was consulted as a stakeholder through the process of drafting this bill. The QLS noted an issue with the scope of the application of the term 'first responders' and its proposed presumption to cover all classes of frontline workers. The issue the QLS takes with this is that the occupation categories canvassed and noted by the bill depart from what the general public would consider to be first responders. For example, the Electrical Trades Union proposed that electricians should be covered by the first responder definition. It seems to me that having such a broad definition which includes all professions somewhat belittles the people who are actually frontline workers exposed to graphic trauma on a daily basis, so I am glad that the minister is looking at this and has not accepted all of the committee's recommendations in this regard.

Further to this, I note that the bill creates an opportunity for occupations to be prescribed by regulation at a later date. While prima facie this seems reasonable, upon closer consideration concerns have been raised that this affords the government the power to act with discretion to expand the presumption beyond first responders without consultation and without democratic parliamentary scrutiny. My constituents have elected me to represent their best interests. This becomes increasingly difficult when the Labor government introduces legislation with the intent of creating loopholes which will cut elected representatives who are not in government out of the picture. Notwithstanding, the LNP will be supporting this bill, but it is important to keep in mind that the Queensland workers compensation scheme must be fit for purpose in relation to meeting the requirements of all stakeholders, including employees and employers.

I would like to conclude by expressing my immense gratitude to all of our first responders and those working on the front line. To each and every one of you I say thank you, but I want to make particular mention of some of these local legends servicing my electorate of Currumbin: the volunteers at the Currumbin Valley Rural Fire Brigade and the Tallebudgera Valley Rural Fire Brigade, including first officers Steve Dalton and Ben Naday, and all of the firefighters at the Bilinga Fire and Rescue Station; all of the police men and women at the Palm Beach Police Station, Coolangatta Police Station and Elanora police beat; all of the staff and paramedics at Coolangatta Ambulance Service, including the current acting officer in charge, Luke Wyatt; and the nurses, doctors and staff at the John Flynn emergency hospital, including Dr Ben Walters, who is the director of the emergency department.

Thank you for your contribution to this state and to the Currumbin community, and thank you for the sacrifices you make on a daily basis by exposing yourselves and your minds to great risk in order to protect us. Queensland is a better place for your contributions, and I am pleased that this legislation will go some way to provide more strength for your arm as you respond and support Queenslanders and our Currumbin community.