




Speech By  
**Linus Power**

**MEMBER FOR LOGAN**

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Record of Proceedings, 11 May 2021

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

 **Mr POWER** (Logan—ALP) (6.13 pm): When we are at our lowest moment we reach out to a special group of Queenslanders to help us. They answer that call and are there for us. Recently I joined a special group of these responders, a group from Logan West, at a truly heart-wrenching memorial service in Browns Plains. I was joined there by the members for Waterford, Algester and Woodridge. We were at the memorial for a one-time resident of Jimboomba and then of Browns Plains who died in a fire that had traumatised the entire local community. The events of the fire are still before the courts, with an individual facing charges, so I will be very restrained about the description of this traumatic event.

While our thoughts at that memorial were with the victim of the fire, as I looked around the group that was gathered there I knew that these events had also profoundly hurt those who had to be witness to this fire. I thought of those who were called to respond first to this disaster, the firefighters, who had to be there to risk their lives and fight the fire to save the houses nearby and then to see the victim; the police who had to record the terrible scene, to investigate and then arrest an individual; and the ambulance officers who would have also attended the scene and were helpless to use their skills in this terrible circumstance. I wish that no servant of the public of Queensland, such as our ambulance officers, police officers and firefighters, ever had to witness the terrible side of life in Queensland; however, these brave Queenslanders put up their hands to take on this difficult task.

So often after being a witness or involved in a truly traumatic event these people serving Queenslanders bounce back and continue to be there for other Queenslanders in their hour of need. We should recognise that a single traumatic event, or the cumulative effect of these events, hurt some of these brave Queenslanders. Over recent times we have continued to grow our understanding of the effects of humans being confronted by traumatic incidents outside the normal experience of human expectations of life. We have grown to understand the damage and, importantly, the healing of what mental health professionals have identified as post-traumatic stress disorder. We know this can be debilitating for those whom it affects. We owe it to those who suffer this serious workplace injury to ensure that they are treated fairly and are helped by our workers compensation system.

We all recognise that workers who suffer psychological injury through their work deserve compensation. Further, we recognise that in some cases it can be difficult to ascribe damage to a particular event or even link it to a series of events. For many people who are regularly called upon to be on the scene first at a violent or traumatic event, it might not be easy to identify an event that was completely out of the ordinary from everyday work. However, as the explanatory notes make clear, there is a difficulty in identifying the cause of mental health conditions after many years of cumulative exposure and we should recognise that the extreme event that happened in an emergency worker's life many years ago may have effects not even the worker themselves fully recognise until much later in their work life.

Some workers might also be reluctant to overcome the stigma of revealing they have suffered a mental injury. They might be reluctant to lodge an application if they have had advice that a specific issue that created the injury is difficult to identify. For these people the process itself would be difficult. It would be stressful and costly and in some cases add to the very pain that they suffered through their workplace. Recognising that particular classes of workers, those who are regularly exposed to trauma, are much more likely to suffer PTSD associated with their work, this bill seeks to reverse the onus of proof when these workers are seeking help through the workers compensation system.

It is important to note it does not create any new compensation entitlement for these workers. They are no different to others seeking entitlement. It also does not give the person involved any more or any less treatment or other benefit. It only smooths the path for those who are diagnosed with the injury. The person must still go through a pathway to have their condition diagnosed and there is still the opportunity to prove that the injury did not happen in the workplace. The onus is to prove that the worker's injury did not happen in the workplace, instead of the onus being on the worker to prove that it did happen in the workplace.

The 2018 Beyond Blue report, *Answering the call*, identified significantly higher rates of psychological distress, including diagnosable PTSD, suffered by workers who are first to respond to trauma. Some might ask why we have such a high bar as part of the pathway by ensuring that people are diagnosed by a psychiatrist. Importantly, the bill makes it clear that the insurer can accept a claim based on the diagnosis of PTSD by a general practitioner and that is an important safeguard for quick access to compensation. However, a robust diagnosis by a psychiatrist ensures that workers are seen by a clinician experienced with the nuances of how PTSD may present in those with cumulative trauma and who can identify the best and most appropriate treatment to maximise a healthy outcome. It is important that those who are injured have access to the best possible medical health care from the time of diagnosis.

The diagnosis makes reference to DSM-5, the manual of psychological conditions. It gives clear guidance to the legislation and can be updated by the profession to ensure that it is well understood. It is based on multiple factors, including the clinical judgement of a psychiatrist. It is important that there is that consistency and value. We have noted that in many cases PTSD is accepted as part of the process. However, we are making it clearer for those who perhaps do not have a singular issue for the establishment of their PTSD that they have a pathway to make a claim, which I think is important. If over 90 per cent of PTSD claims are granted, it is important that we do not have unnecessary delays and costs but move as quickly as possible to compensation and care for those injured in this way.

When the member for Kawana spoke we had an insight into the attitude of the LNP to the workers compensation scheme as the member focused solely on the costs of the system and seemed relatively uninterested in Queenslanders who are injured in the course of their work. Of course, we also know that when the LNP was in government they restricted access to compensation by injured Queenslanders. We know that injured workers are not the priority of the LNP. We know that those workers would suffer if the LNP were to once again control the Queensland workers compensation system.

I was particularly disappointed when the member for Kawana said that small business would be concerned only with premiums. We know that small business people are the heart and soul of our communities. None of them would want to deny access to compensation for the police officer who protects their small business if he or she suffers from workplace-caused PTSD. They would not want to deny the same thing to the ambulance officer who dealt with a crash outside their office or the firefighter who protected the business next door.

I note the fantastic police of the Logan area. I note the Logan West, Jimboomba, Crestmead and Logan Village Yarrabilba police stations; the Jimboomba and Logan West ambulance stations and the fantastic workers there; and of course the new Yarrabilba and Munruben ambulance stations. I note that, in relation to this bill, in this place we have many workers with life experience. Surrounding me are the member for Lockyer, the member for Macalister and the member for Caloundra who, in their previous profession, would be affected by this legislation.

**Mr Madden:** Hear, hear!

**Mr POWER:** I am sorry, member for Ipswich West: lawyers do not get to be recognised in that way but I know that you appreciate their work. I commend the bill to the House.