




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

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WORKERS' COMPENSATION AND REHABILITATION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr WEIR** (Condamine—LNP) (2.57 pm): I rise to make a contribution to the debate on the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020. The Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill was introduced into the Legislative Assembly and referred to the committee on 26 November 2020. When introducing the bill on 26 November 2020, the Minister for Education and Minister for Industrial Relations and Minister for Racing, the Hon. Grace Grace, advised the Legislative Assembly that the bill was to be reintroduced with no changes. The objective of the bill is to provide an alternative claims pathway for first responders with PTSD which presumes they have a work related injury unless it is proven their injury was not caused by work.

In January 2018 the Hon. Mark Ryan, Minister for Police and Minister for Corrective Services, requested a review of workers compensation data in relation to care and support for police officers who develop PTSD. The Minister for Education and Minister for Industrial Relations and Minister for Racing subsequently established a steering group with members from WorkCover, the Queensland Police Service and a psychiatrist from the Medical Assessment Tribunal. The steering group recommended an independent review be undertaken.

The department engaged Phoenix Australia, Centre for Posttraumatic Mental Health, to review the workers compensation claims process for first responders claiming for psychological injuries. The bill allows for first responders and eligible employees working in first responder departments who are diagnosed with PTSD by a psychiatrist to be presumed to have a work related injury for entitlement to workers compensation unless it is proven that the PTSD did not arise out of or in the course of their employment or their employment was not a significant contributing factor to the PTSD.

The presumption of injury will apply to first responders and other eligible employees as prescribed in the regulation to include an ambulance officer under the Ambulance Service Act 1991; an authorised officer under the Child Protection Act 1999; a corrective services officer under the Corrective Services Act 2006; a fire service officer, member of the State Emergency Service, member of the rural fire brigade, volunteer firefighter or volunteer fire warden under the Fire and Emergency Services Act 1990; a police recruit under the Police Service Administration Act 1990; a Youth Justice staff member under the Youth Justice Act 1992; a doctor or nurse employed in any of the following areas—emergency and trauma care, acute care, critical care or high dependency care; an occupation or profession performed in the private sector that corresponds with that of an ambulance officer under the Ambulance Service Act 1991, a corrective services officer under the Corrective Services Act 2006 or a fire service officer under the Fire and Emergency Services Act 1990.

The LNP have concerns about the broad definition of 'first responders' and believes the 2019 Commonwealth Senate inquiry definition is more appropriate and correct—that is, paramedics, police officers, firefighters, ambulance officers and other emergency personnel trained to provide assistance in time critical and often life-threatening situations. Expanding the definition beyond traditional first

responders has the potential to allow non-first responders to be part of this scheme. Not surprisingly, the unions are calling for these laws to apply to many other workers including electricians and not-for-profit community service employees. That will have the result of placing enormous pressure on Queensland WorkCover.

While there was widespread support for the bill, there was concern that some first responders were not included. As the shadow minister for natural resources and mines, this is an area that I would like to address today. The Construction Forestry Maritime Mining and Energy Union's Mining and Energy Division recommended amending the bill to include in the list of first responders in proposed schedule 6A coalmine workers who have statutory responsibilities to respond to serious accidents that occur at coalmines. The committee made a recommendation to support this concern.

The committee recommended that the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill be amended to provide the presumption of injury for PTSD to the following workers who are required to perform first responder duties as part of their employment: a coalmine worker performing the statutory roles of an open-cut examiner, explosive risk zone controller or mines rescue team member under the Coal Mining Safety and Health Act 1999; an employee who, as part of their regular duties, is required to attend and secure a site to provide safe access for other first responders or whose employment requires them to recover human remains; and an employee of a local government whose duties correspond to that of an ambulance officer, a corrective services officer or a fire services officer who is required to attend and secure a site to provide safe access for other responders.

The CFMMEU submitted that the presumption of injury should also apply to workers in the statutory positions of open-cut examiner and explosive risk zone controller under the Coal Mining Safety and Health Act and employees trained and competent to perform aided rescues of coalmine workers as those workers are required to respond to traumatic incidents like other first responders and are exposed to the same risk of developing PTSD. The CFMMEU explained that workers in the statutory role of OCE and ERZ controller and mines rescue team member also have statutory responsibilities to attend or investigate a serious accident, often in advance of traditional first responders. As first responders to mining accidents they are putting themselves at considerable risk in what could potentially be a compromised work site, attending a range of accidents including those that involve death and serious injury.

Over recent years we have seen a series of tragic incidents in the mining sector including a number of fatalities. The scene of those accidents would be indelibly imprinted on the minds of the first responders. Currently an inquiry is being conducted into the Grosvenor mine incident and we await the findings of that inquiry with great interest. The coalmining workplace can be a hazardous environment and the importance of health and workplace safety can never be understated.

As I said, the LNP does have concerns that this legislation might get too broad. However, I think first responders to coalmine disasters have a fair and legitimate argument. Not only are they attending what could be very dangerous and tragic circumstances; those people go in knowing that they will be attending their colleagues and work mates. They are not like other officers attending an incident where the victim is unknown to them. In this case, they are attending their colleagues. I would like the minister to give the House an assurance that the definition will not be broadened to include those for whom this legislation is not intended, but I believe that first responders to coalmine disasters are definitely worthy of the protection of this act.