




Speech By
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MEMBER FOR NICKLIN

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

 **Mr SKELTON** (Nicklin—ALP) (4.45 pm): I rise in support of the Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020. Before I start, I acknowledge the very courageous, heartfelt and personal contribution given earlier by the member for Macalister.

Presumptive legislation creates a rebuttal presumption that a first responder has developed PTSD because of their work. Presumptive legislation will provide much needed validation that PTSD is a workplace injury for emergency services providers. Most pressing, presumptive legislation will foster timely access to compensation and treatment for first responders diagnosed with PTSD. By reversing the evidentiary onus, presumptive legislation means that first responders with PTSD are not tasked with proving that their work has been a significant cause of PTSD. The routine exposure to traumatic circumstances and the cumulative effect of that trauma also disadvantage first responders if compensation legislation requires the identification of a single traumatic incident. Applying for workers compensation schemes and employer settlement can be lengthy and exhausting both emotionally and financially. Those issues may be mitigated by presumptive legislation.

By including mines rescue team members and local government employees whose duties correspond to that of an ambulance officer or fire services officer under the pathway, we recognise the dangerous nature of their work and the potential consequences of their service while providing a means to address the effect afterwards. The drawing up of this bill has been informed by the diligent work of the minister and member for McConnel, the parliamentary committee and those organisations and unions that made submissions in the formulation of this bill and its amendments.

It is hard to define PTSD as it presents differently in everyone. The explanation of the Department of Veterans' Affairs is that PTSD is a psychological response to the experience of a tense traumatic event, including those that threaten life. For military veterans the trauma may relate to direct combat duties, being in a dangerous war zone or taking part in peacekeeping missions under difficult and stressful conditions. It is normal to experience distress when confronted with trauma and most people recover over the first week or two, particularly with the help of caring family members and friends. However, for some people the symptoms do not seem to resolve quickly. It is also common for symptoms to vary in intensity over time. Some people go for long periods without any significant problems only to relapse when they must deal with other major life stresses. In rare cases the symptoms may not appear for months or even years after the trauma.

A great deal of work has happened here in Australia and abroad. I will speak on how similar legislation exists in other jurisdictions. Tasmania was the first Australian state to adopt legislation for PTSD. The Tasmanian Workers Rehabilitation and Compensation Amendment (Presumption as to Cause of Disease) Act 2019 provides presumption as the cause of PTSD for relevant workers. Those workers are defined as workers who are employed by the Crown or appointed under an act of the state, a government business enterprise or a state owned company. Consideration in Tasmania has been given to extending this provision to the private sector which we have already acknowledged in our

amendments that corresponding private sector jobs will be eligible. In 2013, amendments to the Workers Rehabilitation and Compensation Act 1988 established a rebuttable presumption that certain forms of cancer developed by first responders like firefighters are taken to be work related for the purpose of claiming workers compensation.

In Western Australia, the Department of Fire and Emergency Services explained that its insurer, RiskCover, has for over six years accepted liability for all PTSD claims made by first responders and funded preventive therapies on a without-prejudice basis before determining liability. On 13 November 2013, division 4A of the Workers' Compensation and Injury Management Act came into effect, providing for a rebuttable presumption that supports claims by firefighters employed by the Department of Fire and Emergency Services who contract one of 12 specified cancers. Several amendments have been made to clarify the application of these presumptive laws to current and former state employed firefighters.

Canada leads the world on many health and safety issues for firefighters. In Canada, the province of Alberta was the first to amend its Workers' Compensation Act in 2012, giving first responders—including firefighters, police officers, sheriffs and paramedics—an entitlement to compensation for PTSD without being required to prove that their condition is work related. The legislation was updated in 2018 to include correctional officers and emergency dispatchers.

A submission from Fire Chief Ken Block, from the City of Edmonton, Alberta, highlighted the main features and benefits of Alberta's presumptive legislation. For a worker employed in any of the occupations listed and diagnosed with PTSD by a physician or a psychologist, the workers compensation board will presume the condition was caused by the employment unless the contrary is proven. A diagnosis of PTSD by a medical or psychological professional must be made using current criteria established in the *Diagnostic and Statistical Manual of Mental Disorders*, the DSM, which is published by the American Psychiatric Association. The presumption allows injured workers to receive workers compensation coverage and treatment for PTSD as soon as possible. Since then, five out of 10 Canadian provinces have introduced presumptive legislation relating to PTSD.

Mr Forrest has had input into drafting presumptive PTSD legislation and has spoken on the issue around the world. He explained that the introduction of presumptive legislation addresses the inherent problems with having to prove the cause of a workplace injury like PTSD. He said—

... this issue is as complicated as the human mind. When I sit down, I look at the legislation and ask, 'How are we going to fix this legislation?' It has to provide a safe place for emergency workers to go, because you have to understand the nature of what PTSD is. PTSD basically removes you from society and you lose trust. If you don't have an environment that's culturally aware of what you're going through, people will turn away from treatment and they'll turn away from the possible compensation. It usually ends in very tragic circumstances. Members need support and treatment; they do not need a questioning and justifying environment where they have to justify why they're even there to put in the claim for PTSD.

The Canadian example is instructive. In many provinces, to qualify as traumatic mental stress an illness had to result from an acute reaction to a particular unexpected traumatic event. Such a clear and identifiable event was not necessarily compatible with the development of PTSD by reason of cumulative exposure to trauma. To address this, PTSD was dealt with uniquely, with Canadian provinces including specific provisions for the condition. This means that an acute reaction to a particular identifiable event no longer needs to be established.

Without going to the relevant cost of compensation or how well the scheme performs fiscally, as it has already been covered by others here, what this legislation means to those who serve our community is peace of mind—police and corrections officers, paramedics, firefighters, including auxiliary and volunteers, teams that work in mines rescue, domestic violence and youth workers, SES and ED nurses and doctors. My apologies if I have missed any. Unfortunately, no amount of controls government can provide will stop the dangerous and traumatic experiences that those who protect us confront and deal with. First responders are our defenders. I acknowledge the members from both sides of the House who have served in these demanding roles. I myself am a former firefighter.

I note how attitudes have changed in our society, as mentioned by the member for Burdekin. The old pub debrief has fallen out of favour and the workers themselves have shown initiative by implementing things like Mates Looking After Mates. I have seen many helped in this way by their colleagues.

Finally I would like to recognise the tireless work of the UFU Queensland Branch and its secretary, John Oliver. I have had the pleasure of being his comrade in my role as president of Aviation Branch. John and the UFU Queensland Branch have lobbied for this legislation tirelessly for many years, even in the dark days of the Newman government.

As a society, we owe those who protect us. They deserve help when they need it. This bill takes care of this so that our frontline people can focus on being healthy and happy rather than worried about how they pay for their care or look after their families. As the member for Cooper already outlined, there

have been many great achievements for workers and their families. The member for Ferny Grove mentioned getting police officers better protection. I am extremely proud to be here today and be part of the Palaszczuk Labor government. I commend this bill to the House.