




Speech By
Sandy Bolton

MEMBER FOR NOOSA

Record of Proceedings, 11 May 2021

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

 **Ms BOLTON** (Noosa—Ind) (5.49 pm): Every day, in some way, our community is deeply thankful for our heroes who take many forms—incredible people who put themselves and their lives on the line for us, keeping us safe or saving us. Firefighters, police and paramedics—we have heard so many—are just some of these heroes. In Noosa, as across Queensland, we are blessed with really incredible teams. In the past two years alone in my electorate, between our unprecedented fires, fatalities on our roads and in our waters or as part of securing our community during the COVID emergency, dealing with traumatic sights and emotions that the rest of us do not is part of their daily reality.

Post-traumatic stress disorder, PTSD, is described as severe and persistent stress reaction after exposure to a traumatic incident or series of traumatic incidents. It can come about many months or even years after exposure. The impacts can be equally traumatic not only to the PTSD sufferer but also to their loved ones. We have heard many heartbreaking stories from MPs today.

As we have heard, in 2018 a Beyond Blue survey found higher rates of psychological distress, mental health conditions and suicidal thinking and planning among first responders. WorkCover claims are 10 times higher than for the general Australian workforce. They also found that police and emergency services personnel who are exposed to the workers compensation system reported it unhelpful or even detrimental to their recovery. Some 61 per cent reported a negative impact on their recovery and 69 per cent reported that they had received limited to no support during the claims process.

The Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020 seeks to amend the Workers' Compensation and Rehabilitation Act 2003 and the Workers' Compensation and Rehabilitation Regulation 2014 to introduce a presumption of injury for workers compensation claims by first responders and eligible employees diagnosed with PTSD. It focuses on providing an alternative claims pathway for those with PTSD that presumes they have a work related injury, in effect reversing the onus of proof, unless it is proven that their injury was not caused by work. The aim is to promote early claims acceptance. This is really important when first responders are already under severe duress.

There are many roles across the public and private sectors in which workers may be exposed to traumatic incidents and may be affected by PTSD. Though not captured in this bill, we acknowledge the impacts of trauma on them. Our military, journalists who report trauma, people living with domestic violence and victims of violent crimes are just some examples.

The committee has recommended a series of amendments to the bill to provide the presumption of injury for PTSD to additional workers, including coalmine workers—we have seen an amendment foreshadowed—and employees who as part of their regular duties are required to attend and secure a site to provide safe access for other first responders. Workers whose employment requires them to

recover human remains; employees of a local government whose duties correspond to those of an ambulance officer, a corrective services officer or a fire service officer; and those required to attend and secure a site have also been considered.

The Queensland Law Society raised concerns about the viability of the WorkCover scheme if the presumptive legislation is introduced, including potential floodgates which may be opened by the broad definitions of 'first responder' and 'eligible employee' currently proposed. In response, the department advised that it does not expect the introduction of the presumptive legislation to be detrimental to the viability of the workers compensation scheme. The committee has recommended that a review be conducted 12 months after commencement to consider additional occupations highlighted by submitters to this inquiry.

As a society, looking out for each other includes having the legislation with which to do so, especially for those who look after us. I thank the committee and their secretariat, the department, submitters and attendees at the public hearing for their examination of the bill. I give deep appreciation to all of our first responders in all realms.