

Legislative Council—No 10

As introduced and read a first time, 20 February 2020

South Australia

**Return to Work (Post Traumatic Stress Disorder)
Amendment Bill 2020**

A BILL FOR

An Act to amend the *Return to Work Act 2014*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Return to Work (Post Traumatic Stress Disorder) Amendment Act 2020*.

2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Return to Work Act 2014*

10 3—Amendment of section 4—Interpretation

Section 4(1)—after the definition of *SAMFS* insert:

SASES means the South Australian State Emergency Service;

4—Amendment of section 9—Evidentiary provision

- 15 (1) Section 9(2)—after paragraph (a) insert:
 - (ab) subject to the qualification that if a worker who has been employed as a first responder is diagnosed with post traumatic stress disorder, the disorder is presumed, in the absence of proof to the contrary, to have arisen from employment; and
- (2) Section 9—after subsection (4) insert:
 - 20 (5) In this section—
 - first responder* means—
 - (a) an ambulance officer; or
 - (b) a police officer; or

- (c) a firefighter; or
- (d) a nurse; or
- (e) a medical practitioner; or
- (f) a member of SACFS or SASES—
 - (i) for whom the Crown is the presumptive employer; and
 - (ii) who, in the course of that presumptive employment, has dealt with emergencies; or
- (g) any other person—
 - (i) for whom the Crown is the presumptive employer; and
 - (ii) who, in the course of that presumptive employment, has dealt with emergencies; or
- (h) a person of a class prescribed by the regulations for the purposes of this definition;

nurse means a person registered under the *Health Practitioner Regulation National Law* to practise in the nursing profession as a nurse (other than as a student).

5—Amendment of Schedule 1—Presumptive employment

- (1) Schedule 1, clause 1(3)(a)—after subparagraph (i) insert:
 - (ia) members of SASES who voluntarily perform work in connection with that membership;
- (2) Schedule 1, clause 1(3)(b)—after subparagraph (i) insert:
 - (ia) in relation to a member of SASES under paragraph (a)(ia)—
 - (A) any activity directed towards dealing with an emergency that requires SASES to act to protect life, property or the environment;
 - (B) attending in response to a call for assistance by SASES;
 - (C) attending a SASES meeting, competition, training exercise or other organised activity;
 - (D) any other activity carried out in relation to the functions of SASES under the *Fire and Emergency Services Act 2005*;

Schedule 1—Transitional provision

1—Transitional provision

An amendment made by this Act to the *Return to Work Act 2014* extends to a claim made under Part 4 of that Act before the commencement of the amendment unless the claim has been determined and all rights of review and appeal in relation to the determination have been exhausted.