

19 October 2021

Att: Mr Andrew McIntyre  
Inquiry Secretary  
Joint Select Committee on Road Safety  
PO Box 6021,  
Parliament House,  
Canberra ACT 2600

**By email:** Road.Safety.reps@aph.gov.au

Dear Mr McIntyre,

I write in response to your letter dated 5 October 2021, seeking our response to Questions on Notice arising from Maurice Blackburn's testimony provided during the public hearing held on 29 September 2021.

Our responses appear below.

### **RSQN008 - TAC Approval of Therapy Dogs**

The Chair sought additional information in relation to the outcomes of a recent VCAT case involving the provision of a therapy dog by TAC for a client. We are grateful to the Chair for this question and recognise his long commitment to ensuring that the health benefits of therapy animals are more widely known and accepted.

The Chair's question was in two parts:

- Whether the case in question set any precedent in terms of future TAC rulings; and
- Whether there is evidence that the dog is providing some level of comfort or reduced reliance on medication for the client.

In relation to the first part of the question, as the case settled prior to hearing there is no legal precedent established or affirmed by this case. We hope, however, that TAC in its attempts to ensure consistency and predictability in its decision making will accept the outcome of this case as having implications for like cases into the future.

In relation to the second part of the question, as mentioned above, we are pleased to advise that the case settled prior to hearing. This spared our client the added trauma of having to appear in court. It also spared the TAC of unnecessary costs.

Our client, Eliza Robbins-Brown, has agreed for her case to be shared with the Committee. She tells us that:

- The therapy dog had very much assisted in reducing her tendency for aggression and violent behavioural outbursts when she was feeling emotionally heightened in her environment (which was very often, before the therapy dog was introduced).
- She was more responsive since having the dog, was less likely to get upset and cry, was smiling and showing happy emotions more often and at will.
- She was spending a lot of time with the therapy dog, and it was helping her in a social setting also, making her more amenable to allowing people to touch her and be closer to her – which was not the case beforehand.

She tells us that her quality of life greatly improved, as did her psychological and psychiatric well-being. She and her family were able to experience positive improvements from an emotional, cognitive and medical perspective since the introduction of the therapy dog, in conjunction with the other aspects/modes of treatment our client was undertaking.

We note Ms Robbins-Brown shared her experience about her case and the impact the therapy dog has had on her with the Age on 27 March 2021.<sup>1</sup> Eliza is keen to do what she can to ensure that others can experience the benefits of having a therapy dog, as it has meant so much to her and her family.

Outside of the TAC context but for the interest of the Committee, Maurice Blackburn notes that there have been a number of instances where shifts in sentiment toward the benefits of animal therapy have been observed in the wider purview of decision makers in relation to compensation schemes' acceptance of the benefits of animal therapies.

We draw the attention of the Committee to a motion recently passed in the Victorian Legislative Council, brought by Mr Stuart Grimley MLC. We have included a copy of that motion as **Appendix A**.

The motion, which passed the House with Government and Opposition support, calls for a Victorian statutory compensation scheme to review its 'non-established, new and emerging treatments and services' (NeNETS) policy to ensure greater transparency in decision making around the use of animal therapies.

Maurice Blackburn was pleased to support the Motion (our letter of support is included as **Appendix B**).

The Hansard<sup>2</sup> of the debate on the Motion is reaffirming, and provides a number of anecdotes highlighting the benefits of animal therapies, especially in relation to PTSI.

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<sup>1</sup> <https://www.theage.com.au/national/victoria/how-a-therapy-dog-saved-eliza-from-despair-20210325-p57dz3.html>

<sup>2</sup> Ref Hansard 15 September: [https://www.parliament.vic.gov.au/images/stories/daily-hansard/Council\\_2021/Legislative\\_Council\\_2021-09-15.pdf](https://www.parliament.vic.gov.au/images/stories/daily-hansard/Council_2021/Legislative_Council_2021-09-15.pdf): from page 3242

## RSQN009 - App for Reporting Road Conditions

The Chair sought additional information on technologies which may assist in the identification of traffic issues such as poor road surfaces.

The app to which I referred in my evidence is the Mobile Aided In-Vehicle Indication System (MAIVIS), developed by GHD.<sup>3</sup> The app won the New South Wales (NSW) Roads and Maritime Services (RMS) Innovation Network Initiative in 2019. GHD describes the app as:

*...a smartphone application concept which uses a calibrated in-built GPS, camera and accelerometer to catalogue real-time road conditions. The application measures the 'road roughness index' and uploads the data for analysis, making MAIVIS a low-cost and effective way of surveying road conditions and undertaking pavement inspections in regional NSW.*

We believe that the development of such technologies should be encouraged, as they could provide useful, real-time data which could be shared with councils/road authorities in order to improve reporting, inspection and improvement of road conditions.

We are aware that similar technologies have been piloted to assist with bike safety.<sup>4</sup>

We also draw the Committee's attention to work being carried out by the National Transport Commission in relation to the use of data gathered by the cooperative intelligent transport systems (C-ITS) within automated vehicles. This is described as:<sup>5</sup>

*....a technology platform that enables components of the transport network (vehicles, roads and infrastructure) to wirelessly communicate and share real-time information, including data on vehicle movements, traffic signs and road conditions.*

We perceive the further development (and proper use) of such technologies as critical to the future safety of road users.

Once again, we congratulate the Committee on its important work and its ongoing commitment to consultation.

Yours faithfully,

Katie Minogue  
**Principal Lawyer**  
**Maurice Blackburn Lawyers**

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<sup>3</sup> <https://www.ghd.com/en/news/ghd-app-design-wins-at-inaugural-nsw-roads-and-maritime-services-innovation-network-initiative.aspx>

<sup>4</sup> See for example: <https://greens.org.au/vic/news/media-release/bike-blackspot-app-shines-light-bike-safety>

<sup>5</sup> See for example: [https://www.ntc.gov.au/sites/default/files/assets/files/NTC%20Discussion%20Paper%20-%20Regulating%20government%20access%20to%20C-ITS%20and%20automated%20vehicle%20data\\_0.pdf](https://www.ntc.gov.au/sites/default/files/assets/files/NTC%20Discussion%20Paper%20-%20Regulating%20government%20access%20to%20C-ITS%20and%20automated%20vehicle%20data_0.pdf)

## APPENDIX A

### MR GRIMLEY

I give notice that, on the next day of meeting, I will move —

That this House —

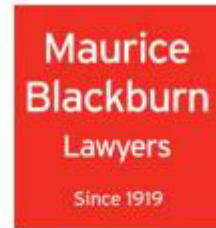
(1) notes that —

- (a) frontline emergency services have a higher rate of mental illness as a result of their work;
- (b) WorkSafe provides compensation for a range of reasons, including mental health injuries as a result of work;
- (c) WorkSafe's non-established, new and emerging treatments and services (NeNETS) policy, provides an avenue for contemporary treatments and services including psychiatric assistance dogs and equine therapy, to be assessed on a case-by-case basis;
- (d) it can take approximately nine months to approve a psychiatric assistance dog claim to treat post-traumatic stress injuries (PTSI), as opposed to a 27-day average for general mental health claims and a seven day average for physical injury claims;
- (e) WorkSafe have previously approved psychiatric assistance dogs to treat PTSI, however this policy does not hold precedent and is not legislated, meaning that each claimant must undergo an extensive and exhaustive legal process, causing additional financial and emotional stress;
- (f) the Department of Veteran's Affairs has a Psychiatric Assistance Dogs program to treat veterans with PTSI and many animal therapy approaches have yielded extremely positive results;
- (g) the terminology of post-traumatic stress 'injury' is preferred by sufferers, rather than the outdated term 'disorder'.

(2) calls on the Government to —

- (a) review its NeNETS policy to ensure future claims for canine and equine therapies treating PTSI are considered without delay and not unfairly denied in the future; and
- (b) ensure WorkSafe's NeNETS policy is recorded publicly to allow transparency for those seeking claims and their legal representatives.

## APPENDIX B



9 September 2021

Mr Stuart Grimley MLC

Dear Mr Grimley,

Maurice Blackburn is pleased to offer our support for your proposed motion in relation to ensuring more predictable and timely access to canine and equine therapies for Victorians who have suffered PTSI as a result of workplace activity.

As you will be aware, Maurice Blackburn Pty Ltd is a plaintiff law firm with 33 permanent offices and 30 visiting offices throughout all mainland States and Territories. The firm specialises in personal injury law (including workplace related physical and psychosocial injuries), medical negligence, employment and industrial law, dust diseases, superannuation (particularly total and permanent disability claims), negligent financial and other advice, and consumer and commercial class actions. The firm also has a substantial social justice practice.

Maurice Blackburn staff have first hand experience of the difficulties experienced by Victorians with work-related PTSI in trying to obtain access to canine and equine therapies through WorkSafe Victoria's non-established, new or emerging treatment and services (NeNETS) scheme. We have also seen first hand the undeniable benefits that these services provide for PTSI sufferers.

We would be pleased to support calls for a review of the NeNETS scheme, focused on the timeliness of decisions, and ensuring transparency in the decision-making process. In our experience, the scheme lacks clarity around the circumstances under which worthy claims may be lodged and considered. In the absence of appropriate case law, we believe that increased transparency would offer greater predictability for those lodging claims, and better efficiency in decision making.

Thank you for your and your parties' ongoing concern for the wellbeing of Victorians with PTSD. We would be happy for our support for this worthy proposal to be made known in the debate.

Our contact details are below. Please do not hesitate in making contact if we can further assist with this important work.

Yours faithfully,

Gino Andrieri  
**Principal Lawyer**  
**Maurice Blackburn Lawyers**

Rebecca Barrand  
**Lawyer**  
**Maurice Blackburn Lawyers**