

CITATION: *Slade v CGH Group Pty Ltd [2025] NTWHC 3*

PARTIES: Lance James Slade

Worker

v

CGH Group Pty Ltd

Employer

TITLE OF COURT: LOCAL COURT

JURISDICTION: WORK HEALTH

FILE NO(s): 2021-03919-LC

DELIVERED ON: 6 June 2025

DELIVERED AT: Darwin

HEARING DATE(s): 23 – 26 September 2024, 31 December 2024, 28 February 2025, 7 March 2025

DECISION OF: Judge O’Loughlin

CATCHWORDS:

WORK HEALTH – compensation – mental injury – whether mental injury arose from employment

Return to Work Act 1986 s 3A

Corbett v NT [2015] NTSC 45

REPRESENTATION:

Counsel Worker:	M Tilley
Counsel Employer:	D McConnel SC
Solicitors Plaintiff:	Shine Lawyers
Solicitor Defendant:	HWLE

Decision category classification:	B
Decision ID number:	[2025] NTWHC 3
Number of paragraphs:	82

IN THE WORK HEALTH COURT
OF THE NORTHERN
TERRITORY OF AUSTRALIA
AT DARWIN

No. 2021-03919-LC

BETWEEN:

Lance Slade

Worker

AND:

CGH Group Pty Ltd

Employer

REASONS FOR DECISION

(Delivered 6 June 2025)

JUDGE O'LOUGHLIN

Introduction

1. The Worker is seeking compensation for an alleged mental injury arising out of his employment with the Employer at the Ranger Uranium Mine. The Employer says he is malingering or making up symptoms for secondary gain.
2. Initially the Worker claimed to have suffered a physical injury, but this was abandoned, and the Worker only pressed his mental injury claim. He said this mental injury arose from alleged harassment, and from symptoms which arose after he cleaned mud off vehicles that had been in the tailings dam.

The Law

3. The *Return to Work Act 1986* provides a worker with compensation for an injury if it arises in or out of the course of employment where an injury includes a mental injury. Section 3A provides that a mental injury is not compensable if it is caused wholly or primarily by management action.
4. In *Corbett v NT* [2015] NTSC 45 at [20], Barr J. considered mental injuries arising from

perceived harassment and said the tribunal is required to:

“consider whether the worker harboured such work-related perceptions, and not whether the perceptions were justified or reasonable. His Honour was required to consider not only what happened to the worker, in terms of events in the workplace, but how the worker perceived those events. He then had to consider and decide whether such perceptions caused the worker’s mental injury. The authorities establish that, if a worker perceives conduct on the part of others in the workplace as creating an offensive or hostile working environment, and as a result of that perception suffers a mental injury, causation under workers compensation law is made out..

..... However, there is one significant qualification: the relevant perception held by the worker must be a perception about an incident which actually happened or an actual state of affairs.”

The Hearing

5. The Worker was represented by Shine Lawyers, with Mr Tilley as counsel for most of the hearing. Their preparation and presentation of the case appeared sensible and appropriate, but for some reason the Worker thought it best to terminate their representation just as closing submissions were due.
6. The original claim was for physical and mental injuries, where the physical injuries were:
Folliculitis;
Raynaud’s Phenomenon (reduced blood flow to the extremities);
Carpal Tunnel Syndrome;
Dermatitis; and/or
Neuropathic Pain.
7. All these physical injuries were abandoned not long before the hearing, where the Worker, through his legal team, elected to proceed with the mental injury only. Despite this election, the Worker clearly believed he suffered a physical injury, and he continually made reference to his physical injuries during his evidence and in his submissions when he was representing himself.
8. Of course, I was not privy to the consideration and discussion of abandoning the physical injury claim, but I assume that the Worker, his solicitors, and counsel had good reasons to proceed on the mental injury only.
9. Shine lawyers filed an application to cease to act in January 2025 but fortunately Mr Tilley was able to assist the court by filing closing submissions.
10. The closing stages of the proceeding became a little chaotic, with Mr Slade representing himself, where he sought to tender extensive material after the parties had closed and applied for a summons for ERA to produce documents. My rulings against these applications are at the end of these reasons.

No Physical Injury

11. As I stated above, although the Worker initially claimed to have suffered a physical injury, this was abandoned prior to the hearing, and this was while he was represented.
12. To some extent the Worker sought to reopen this issue, but this was after the evidence was complete, and after parties had closed. This would be extremely prejudicial to the Employer, and I did not allow such a drastic change to the case.

13. Accordingly, I cannot, and do not, find that he suffered a physical injury on 11 or 12 October 2021.

Chronology

14. The following is a chronology where I have highlighted the controversial matters which are discussed later.

Prior to 2021	The Worker worked in various jobs including as a paramedic and driving heavy machinery. He had a history of high blood pressure and a “strong” personality (explored below).
September 2021	The Worker commenced working at the Ranger Uranium mine for the Employer.
4.10.21	The Worker claimed that he rang his GP in Darwin to make an appointment for bullying (I am not satisfied that this occurred).
11.10.21	Worker was required to clean three vehicles which were covered by mud from the tailings dam. He was required to crawl under the vehicles, and he came into contact with some mud.
12.10.21	The next day he did further cleaning of the vehicles. The Worker initially alleged he suffered a physical injury being a neurological injury from radiation poisoning including a rash, pins and needles, or numbness arising from the above work. He, through his lawyers, abandoned this claim and I do not find that a physical injury occurred. His physical symptoms are explored below.
13 - 19.10.21	The Worker returned to Darwin as he was off from work as per work schedule. The Worker claimed he saw a doctor this week (but I am not satisfied this happened). During this time, he does not seek any medical treatment or assessment in respect of the alleged physical injury.
20.10.21	The Worker drove back from Darwin to Jabiru to resume work.
20.10.21 9 AM	At the commencement of work, he went straight to the worksite medical clinic and complained of a rash over his back, pins and needles in his hands, and high blood pressure. The date of injury is recorded as 11.10.21
20.10.21	He telephoned WorkSafe who record that Worker complained that he had been potentially exposed to uranium. He complained of a rash, swelling on his back, numb hands, and severe pain. “Very distressed”. He complained that ERA provided him with no medical aid (I found otherwise).

20.10.21 6 PM	He went straight to RDH ED and said he had been under toxic truck and was mostly complaining about physical symptoms.
21.10.21	RDH Discharge Summary generally indicated that the doctors had little concern with uranium exposure and the physical symptoms; however, the summary also included: "increasing concerns over uranium exposure" "appear anxious with mild paranoia" "loose association in thinking." "GP follow-up for psychological assessment: Lance has significant anxiety which is impacting his life. He needs a thorough assessment and ongoing treatment. GP please send him for urgent assessment and considered immediate intervention."
21.10.21 12 PM	He attended his GP Dr McSharry and referred to a workers' compensation claim that he was exposed to a "radionuclide." "Hypertension – severe due to anxiety? Exposed to uranium, GAD workplace harassment – feels cause of anxiety."
	Spoke to Hayley and said he thought it was a workers' compensation claim matter.
22.10.21	Worker makes his first claim for compensation alleging "burning back, numb tingling hands" to "all of body" with no mention of a mental injury.
26.10.21	GP Mental Health Care Plan was prepared.
2.11.21	Employer rejects claim for physical injury.
9.11.21	The worker sends an email to WorkSafe making a complaint of bullying.
25.11.21	Worker submits a second claim form alleging mental injury arising from alleged bullying.

The Worker's Presentation and Credibility

15. There are many examples of the Worker's evidence that raised concerns as to his reliability.
16. He has protested outside the offices of the Work Health Authority, causing the head of that organisation to issue a trespass notice preventing him from attending their office. The Worker claimed that a subsequent resignation of the CEO of the WHA was because he had laid a "false" trespass notice, but in cross-examination he admitted he had no basis to say this:
MR MCCONNEL: Now you emailed a person called Leonora Roberts at Allianz, the insurer in June 2022, telling her that Mr Estevez had - Mr Estevez, the CEO of NT WorkSafe had quit from that position because he had laid a false complaint for the trespass notice?
---Actually I don't know why he quit,
... You wrote those words didn't you?
---Well I - with the guilt and with the paranoid I've got, I - I'm saying I probably did write that.
17. Another example is where he complained that ERA did not provide him with proper personal

protective equipment. This is explored below where his supervisor, Mr Whiting, said this was not correct and all PPE was available, and workers were required to use it. The Worker admitted that he was reprimanded by Mr Whiting for not wearing the correct PPE. At the time he was reprimanded, he did not claim to have no PPE available, and I find it was available. I find that the Worker was making up evidence to make ERA look bad and to advance his case.

18. The Worker also complained that on 20 October he was not given enough time to shower after a shift and that he had to get on the bus in a dirty state. However, other evidence showed that the bus left at 3 p.m. and the Worker was told to leave and get fresh clothes at 11.50 a.m. that day. This is three hours before and plenty of time to shower and catch the bus. Furthermore, other documents indicated the extent to which ERA went to ensure that vehicles and clothes that may be soiled from the tailings dam did not leave the site. I do not accept the Worker's evidence about the lack of time to shower before catching the bus.
19. He claimed the rollover of a truck had been "*wiped under the table*," when in fact it had been the subject of a safety talk at one of the toolbox meetings.
20. The Worker thought the ERA medical clinic record was not accurate and that there was an effort by ERA to cover up his true symptoms. I find this to be highly unlikely and prefer the contemporaneous documentary evidence of the clinic.
21. There are many other examples of where the Worker's evidence is inconsistent with other witnesses or contemporaneous documents.
22. I found the Worker's obsessive belief that he has suffered a physical injury from cleaning mud off the trucks affected his perception of events. I found him to have an inflated or exaggerated belief in his own abilities; he was paranoid, erratic, prone to exaggeration generally, and was highly critical of anyone who he thought had wronged him (which included anyone who challenged his claim of a physical injury or his claim of a mental injury).
23. The Worker conducted a protest outside the offices of ERA for a considerable time and he reported Dr Jewell to the Health & Community Services Complaints Commission after he provided a report that was not favourable to the Worker's case.
24. In August 2022 he lodged another complaint to HCSCC about the treatment provided by the ERA Medical Clinic. He has even lodged complaints with the Law Society about his own legal team and made complaints to the head office of Shine lawyers about the local representatives.
25. Psychiatrists Dr Papier (called by the Worker) thought that the worker had a "strong" personality and Dr Jewell (for the Employer) thought he may have a diagnosable personality disorder (as distinct from a psychiatric condition), though he stopped short and said this diagnosis could only be made after extensive psychological testing.
26. I agree and I find these traits affected the Worker's ability to dispassionately assess and recall events accurately.
27. The Worker's general presentation during his evidence and in his conduct during and after the proceedings was consistent with having a mental injury of some kind.
28. I find the Worker to be a generally unreliable witness, and I didn't believe much of his evidence unless it was supported by common sense, other witnesses, or contemporaneous documents.

First Complaint of Bullying

29. A key point in the Employer's case was that the Worker did not complain of a mental injury or harassment until after the Employer had rejected his claim for compensation for a physical injury. The Employer argued there was no harassment-caused injury and the mental injury claim was merely a strategic claim to improve his odds of success, given the disputed physical injury.
30. The Worker claims that he spoke to his GP clinic about harassment and depression before he was asked to clean the vehicles on 11 and 12 October but there is little evidence to support this.
31. Page 478 of the court book contains a GP record for 12 November 2021, but it includes some information pertaining to 4 October:

Visit date: Friday 12/11/2021 at 11:34:46

Mr Lance Slade has a medical condition which is not resolved.

On 4th of October 2021 (Approximately) , he called our Receptionist (Dennis) here at Gateway TEMC.

He could not come in immediately as on a two week stint on Drive in/Drive Out .

He made the appt for 21st October and he saw him at that time and I documented Workplace Bullying as his main concern .

32. There is no contemporaneous record of the Worker telephoning the GP clinic on 4 October 2021, and it appears that this note was created on 12 November 2021 because the Worker told his GP (on 12 November) that he had called the clinic on or about 4 October 2021. Given my adverse findings on the reliability of the Worker's evidence, I am not satisfied that he did in fact attempt to make an appointment with the GP as early as 4 October 2021.
33. Interestingly, the GP, in his medical certificate of 21 October 2021, does not refer to bullying or harassment and the only reference is to the Worker thinking that he has been "exposed to a radio nucleotide." However, there is a reference to harassment and anxiety in the GP notes of the same date.
34. Dr McSherry agreed that the medical certificate of 21 October did not mention bullying.
35. Mr McConnel, for the Employer, suggested to Dr Sherry that there was no discussion of workplace harassment on 21 October, that this conversation happened later on 12 November, and it was put to Dr McSherry that he had altered his notes to insert the reference to workplace harassment and anxiety. Dr McSherry categorically denied this.

Under GAD for generalised anxiety disorder, you've written "workplace harassment, he feels is cause of anxiety." I suggest to you, Doctor, that that entry has been put into that record sometime later, and probably at around about the time that you wrote that letter saying that that had been the primary concern at the first consultation?---I would deny that. To be honest, you can't actually do that. It won't let you put it under the consultation note. So what that means is that I didn't document it otherwise, but he must have said something on that day, because there's actually no way to put that in, even if you wanted to. Just the reference and everything, it actually won't let you put in any of those afterwards. And that's been tested and proven in Top End, because they had issues in the past with doctors trying to adjust the records after the fact. I never did it in my whole life. If you close them as a -- if you try to adjust something later on, it'll pop up as an amendment, the exact date and the time. So the only way that could go in there is that he mentioned it, and I put that down. Granted, there's no subjective and objective. There's nothing. But I would not have put that down later on, for sure. I can't. And he must have mentioned something on that day.

36. I found Dr McSharry to be an honest and reliable witness who gave evidence that both helped and hindered the Worker's case. Dr McSharry was adamant that he would not go back and alter records of an appointment and that it was, in fact, impossible to subsequently alter the records. I accept this evidence, and I find that the GP notes accurately record the sequence of events.
37. On 26 October 2021 a mental health care plan form was completed, suggesting that the Worker did have symptoms or may have complained of a mental injury on or about this date. Not much detail is included in this form, and on the question of "presenting issues" the entry was "breakdown is exposed to radioactive med". There is no mention of harassment, but there is obviously a mention of a mental health concern on this date of 26 October 2021.
38. On the issue of the timing of complaints about harassment, I make the following findings:
 - 38.1. The Worker did not make, or attempt to make, an appointment on 4 October 2021.
 - 38.2. On 21 October 2021 the Worker complained to his GP about harassment at work.
 - 38.3. The complaint of harassment at work was made before the Employer rejected the work health claim for the physical injury.
 - 38.4. On 12 November 2021 the Worker spoke with Dr McSharry about earlier GP attendances, but Dr McSharry did not go back and alter the records of 21 October.

Alleged Harassment and Bullying

39. The Worker alleged all forms of harassment at the worksite, together with his belief that he was exposed to toxic tailings, and that these events led to his mental injury. I will deal with the alleged mental injury from belief in tailings exposure later, and this section will address all the other alleged employment events.

Late Signing off Timesheets

40. The Worker alleges that his supervisor, Mr Whiting, failed to sign his payslips on time, leading to the Worker being paid late.
41. This complaint was not made until March 2022, many months after he made a list of the harassment in November 2021. There were no documents supporting the Worker's allegations about the payslips.
42. The Employer called Mr Whiting who I found to be a direct and honest witness. The late signing was put to Mr Whiting in cross-examination :

"Do you have a habit of not signing Lance's time sheets?---Nope.

Do you always sign his time sheets on time when you had them?---Yep.

Well, I put it to you that Lance had to often make requests of you to have his time sheets signed?---Untrue. You've got to remember I had that many people up there. I was signing the guys, checking their dates, their times. If he had the time sheet in on Sunday, which one – I can only remember one time he didn't, and I got that sorted and he got paid that week so.

So it would have been four payslips in total? ---Yes, I imagine so. There would have been four payslips, yes.

And of those four payslips?---He got paid on time.

43. I am not satisfied that Mr Whiting was late in signing the pay sheets. This finding is based on my concerns as to the Worker's credibility, that there are no contemporaneous documents supporting this allegation, and that I found Mr Whiting was a more compelling

witness.

Lunchroom Incident

44. The Worker alleged that there was a verbal exchange in the lunchroom with another worker called Bailey. Bailey said something of a sexual nature to the Worker, and the Worker responded about Bailey being a Kiwi and having a sexual interest in sheep. Other workers laughed at this comment, and the next day a friend of Bailey's said that he should report the Worker for sexual harassment.

45. I am not convinced this happened and the Worker's evidence as to how he felt about this was excessive and implausible:

Dusty had said to Bailey the next day that you should be reported - - -?---For sexual - Bailey should report me for sexual harassment.

Right. And how did you take that?---As the biggest slap on the face. Because all I could think of is I'm a volunteer ambulance officer. If that came out, I'll never be a volunteer again, because it will be on my record. I was devastated. I got out of my seat, went straight over to him and put my hand out and apologised to him. I says, "I did not realise what I said upset you or offended you. It was never in my intention to do so, and I will not do it ever again, and I apologise again profusely." This is to Bailey. And he shook my hand.

46. I find the Worker's reaction and the alleged apology to be highly unlikely I do not accept this evidence, and I am not satisfied that the earlier exchange occurred.

Improper Use of Machinery

47. The Worker alleged Dusty used the excavator scoop to bang on the side of the Worker's truck as a means of getting the Worker to move his truck. The proper method would have been for Dusty to simply call over the radio to ask the Worker to move.

48. The Worker agreed that such an action would be a near-miss event and, if supervisors became aware, it would result in the instant dismissal of an employee.

49. Mr Whiting gave evidence that he was unaware of such incidents and that they would have been taken very seriously, as they are described as a "metal on metal" event requiring an investigation.

50. I find it unlikely workers would intentionally cause heavy machinery to hit other heavy machinery. The only evidence that this occurred is the oral testimony of the Worker and I am not satisfied that this banging on the side of the vehicle occurred.

51. The Worker also alleged that a full load of clay and mud was dropped into his truck from an unnecessarily excessive height. The Worker agreed in cross-examination that this was a serious allegation:

Someone who intentionally holds an excavator bucket up and drops a full load into the back of a truck would be instantly dismissed, wouldn't they?--- Yes.

Because it's a very unsafe practice?---It's unsafe, and it's basically illegal on the mines.

52. Similarly, this is an extraordinary allegation, and I only have the Worker's evidence that it occurred. I am not satisfied that these two allegations occurred given my doubts as to the Worker's reliability.

Radio Comments

53. The Worker's statement of claim pleaded a somewhat contradictory scenario, alleging that on some occasions Dusty didn't bang the truck but used the radio to ask the Worker to move his truck into a better position. The Worker gave evidence that when this occurred, he felt humiliated because the requests were relatively frequent, and a number of staff people were listening on that channel.
54. Although there are no other documents to support this allegation, it is plausible, as the proper method is to use the radio, and a person may feel humiliated from such a broadcast. Mr Whiting said he had heard radio comments asking the Worker to move his truck. On this matter, I accept the evidence that there were several radio calls requesting him to move his truck.
55. I am not satisfied that there was any harassment or malice on the part of Dusty, or that the radio requests constituted bullying. However, I do accept that the Worker *felt* inadequate, harassed, and that he *believed* he was being bullied.

Actions Affecting The Worker's Break Times

56. The Worker also alleges that Dusty repeatedly made sure that he loaded the Worker's truck just before break times causing him to have a shortened break. Mr Whiting said in evidence that, if it was the break time, the truck drivers could park their trucks and not take a load. He also said that if a Worker was five minutes late for the 10 a.m. half-hour break they would get their break through to 10:35.
57. Again, I prefer the evidence of Mr Whiting, and I am not satisfied that there was any campaign or occurrences that affected the length of the Worker's breaks, and I am not satisfied that these events occurred.

Comments Critical of Worker

58. The Worker alleges another employee, Dusty, would make criticisms of the Worker about his load count. Mr Whiting said a radio was in his office, and the only radio chatter he heard about the Worker was requests by Dusty to move his truck to a better position for loading. I am not satisfied these radio calls occurred.
59. The Worker alleged that there was other criticism of his work that occurred in the lunchroom, but, given my doubts as to the reliability of the evidence of the Worker, I am not satisfied that this occurred.

Dismissive Response by Mr Whiting

60. The Worker wanted to change to driving a different kind of truck, and when this request was made to Mr Whiting he allegedly said, "I had to stay on in civil and if I didn't like it I could piss off" and this formed part of the harassment leading to the mental injury.
61. In cross-examination the Worker conceded that he didn't hear Mr Whiting say these words and he only heard this from another person. This is hearsay and I'm not satisfied that these words were said.
62. However, Mr Whiting came across as a person who spoke his mind, and I do find that he was abrupt in his conversations with the Worker. I do not find that he was a bully or harassing the Worker, but I do find that the Worker felt harassed by Mr Whiting's direct

communication.

Events of 11 and 12 October 2021

63. I prefer the evidence of Mr Whiting and do not accept that the Worker was not provided with appropriate PPE when he was cleaning mud off the vehicles. I also do not find that he was given insufficient time to have a shower after the work was performed (discussed above).
64. The Worker claims to have suffered a mental injury because Mr Whiting said to the Worker, while he was cleaning the vehicles, *"if you don't like it, then fuck off and there's the highway"*. Mr Whiting said he was busy working on another issue at the time, wasn't supervising the work, and he did not say these words.
65. I prefer the evidence of Mr Whiting, and I find that this meeting did not happen.

Attendance on the Clinic on 20 October 2021

66. I accept that he went to the clinic on this day because it is supported by the records of the clinic. I do not accept his evidence that he was not allowed to speak to a GP while he was at the clinic, as there is no other evidence supporting this allegation, and it would be unlikely that a GP would be prevented from seeing a patient at a medical clinic.

Conclusion on Harassment

67. I am not satisfied on the balance of probabilities that most of these alleged events occurred at all. I have found proved only the allegations of direct language by Mr Whiting, and radio requests to park in a better location. In doing so, I make no criticism of Mr Whiting's management style, nor the radio directions from Dusty. Their behaviour did not constitute harassment, but I find that the Worker honestly felt harassed.
68. Neither of these two events constituted management action such that they can cause a compensable injury (Section 3A of the Act).

Belief in a Physical Injury

43. The result of the above analysis is that I have found that there were only a couple of events that occurred that caused the Worker to feel harassed.
44. I turn now to whether the Worker believed that he suffered a physical injury in October 2021.
45. The only other pleaded event that occurred that contributed to his feelings of harassment and anxiety was the belief that he suffered and continues to suffer from a physical injury arising from the cleaning of the vehicles in October 2021.
46. He reported pins and needles, a rash, and numbness on 20 October to the ERA clinic.
47. There is no evidence (that I accept) to suggest he attempted to get treatment prior to this date even though the symptoms appeared on 11 and 12 October. The Employer puts much emphasis on this fact, but it could be that the symptoms were not sufficiently concerning for him to get medical attention earlier. The failure to get treatment in the week following the symptoms goes against the Worker's case but this must be balanced against other evidence in favour of his belief that he had suffered an injury.
48. The staff at the ERA medical clinic recorded that the Worker referred to washing the mud

of trucks and complained of a rash over his back, pins and needles in his hands, and high blood pressure. The note states that the staff did not see any indication of injury on his back, however they did see extensive heat rash. His blood pressure was recorded at 192/107 at 9:08 AM. This is a high reading, but he did have a history of hypertension. The staff at the clinic suggested he see his GP in Darwin about blood pressure control and to investigate numbness and pins and needles in both hands.

49. There is no note of anxiety in the ERA clinic records.
50. The Worker went to RDH that afternoon where a treater recorded that the Worker said he had a week earlier been asked to water blast underneath trucks and the company told him they were "too radioactive." He complained of severe itchiness to his back and had aches in his hands which later became tingling and noted, "He has had increasing anxiety and concerns over the uranium exposure."
51. The notes go on to record that that the Worker appeared "anxious with mild paranoia" and "patient has high levels of anxiety." The RDH staff recommended "GP follow-up for psychological assessment: Lance has significant anxiety which is impacting his life. He needs a thorough assessment and ongoing treatment. GP please send him for urgent assessment and consider immediate intervention... Return to ED for any acute deterioration."
52. This is clear contemporaneous documentary evidence suggesting that the Worker was suffering from at least symptoms of a mental injury on 20 October 2021. It is possible that the Worker was, as the Employer argues, malingering or feigning symptoms for secondary gain, but I find this to be unlikely.
53. The next day, on 21 October 2021, the Worker went to his GP who recorded that he had hypertension which appeared to be "severe due to anxiety." Dr McSharry referred to generalised anxiety disorder and "workplace harassment – he feels is cause of anxiety."
54. Thus there are contemporaneous records from the ERA medical clinic, RDH, and his GP recording his complaints of physical symptoms, and records from RDH and the GP indicating the doctors thought this was associated with anxiety symptoms. These records, and his consistent, though perhaps embellished, complaints of a physical injury, overcome my concerns as to the reliability of the Worker's evidence.
55. I find it unlikely that he planned and commenced a fraudulent campaign to feign a work injury. I find the Worker had fragile mental health at the commencement of employment, such that the benign events that he thought were harassment (direct language and radio calls), coupled with the belief that he suffered a physical injury, caused his mental health to deteriorate.
56. I find it unlikely that he was malingering in October 2021 in that I do not accept the Employer's case that the presentation was one for secondary gain where he was seeking attention, affection, treatment, or sympathy.

Key Factual Findings

57. In the above analysis I have found that the Worker was:
 - 57.1. upset and felt harassed by the radio announcements to move his truck;
 - 57.2. upset and feeling harassed by the occasional direct language from Mr Whiting;
 - 57.3. anxious and distressed because he believed he had suffered some sort of physical injury when he came into contact with mud from the tailings dam.

Expert Opinion on Mental Injury

58. The Worker claims to have suffered a major depressive disorder, adjustment disorder, substance use disorder, and/or PTSD.
59. The Employer denied the injury and pleaded that any incapacity was because of enduring maladaptive coping strategies, malingering, relationship difficulties, and/or a pre-existing substance use disorder.
60. During the hearing I heard evidence from the Worker's psychologist, his GP and three psychiatrists.
61. All but Dr Jewell (for the Employer) accepted that the events described by the Worker and diagnosed some form of mental injury arising from the employment.
62. As can be seen above, I am not satisfied that most of these events have occurred, and I have found that there were only two "harassment" events that caused the Worker to feel harassed, coupled with the distress and anxiety he felt after cleaning mud from the trucks.
63. His GP thought that he was severely depressed and "extremely anxious" a week after the mud cleaning event.
64. Dr Samuel, a psychiatrist for the Worker, said he continues to suffer from Adjustment Disorder, Major Depression with a differential diagnosis of Post-Traumatic Stress Disorder. He presumed that some bullying and harassment had occurred, but he thought the cleaning of the truck in October 2021 was the main trigger (T187).
65. I got the impression that Dr Jewell was upset with the Worker after he reported Dr Jewell to the Health & Community Services Complaints Commission following an unfavourable medical report. This is quite understandable, but it did appear to affect Dr Jewell's impartiality such that he appeared to disbelieve everything the Worker said. Dr Jewell even doubted his honesty in respect to a compensation claim he made 30 years earlier suggesting this earlier claim was fraudulent.
66. Dr Jewell agreed with the other two psychiatrists that the Worker had an adjustment disorder but he thought non work factors (divorce and moving to the NT) and his alcohol abuse were the causes of his decline in mental health.
67. I prefer the opinion of Dr Papier, who thought the Worker did not appear to be suffering from a mental injury before his employment with the Employer: it "... did not appear that there was the presence of psychiatric symptomatology prior to his employment at Ranger Mine". The Worker clearly has a "strong personality" and did have an earlier mental health claim, but that was decades before.
68. The failure to attempt to get any medical treatment in the week following the cleaning of the vehicles does raise some concern that the Worker was truly concerned about his symptoms. However, the records suggest that the Worker was showing anxiety when he presented at the work site medical clinic, RDH, and the GP clinic on 20 and 21 October 2021.
69. I find that the Worker was not feigning the symptoms and that he was anxious and distressed because of the symptoms he had, or believed he had, from the cleaning of the vehicles, coupled with the harassment he felt had occurred.

70. I agree with Dr Papier, who describes the vehicle cleaning as the primary contributing incident (emphasis added):

*I believe there were two issues to do with the psychiatric injury suffered by your client. One is his allegation of bullying and harassment by co-workers including supervisors. The **second and more substantial is the incident** described whereby he was made, with threat of losing his employment, to **clean the underside of a water truck** which had come from working at the uranium mine, leaving Mr Slade fearful of contamination*

71. Dr Samuel did not explicitly say that he thought that the truck cleaning episode was the main cause, but it was the only event he discussed in detail in his November 2022 report.
72. Although I have dismissed most of the harassment claims, I accept the conclusions of Dr Papier and Dr Samuel that the Worker has suffered a mental injury arising from his employment. I do not accept the opinions of Dr Jewell, as he appears to have an overly critical view of Worker following the HSCC complaint.

Loss of Earning Capacity

69. It is clear that the Worker's mental injury has consumed his life since late 2021, where his obsession led him to conduct months-long protests at the offices of ERA and the WHA. The Worker's psychiatrists said he was totally incapacitated and even Dr Jewell stated that "Mr Slade is unable to partake in paid remuneration."
70. I find that the Worker is totally incapacitated for work from 20 October 2021 to the present.

Summons on ERA

73. Late in the hearing, and at about the same time that the Worker terminated his legal representation, he complained about the lack of compliance by ERA to a summons to produce documents.
74. The solicitors for the Worker had not criticised ERA's compliance with that summons, and I reluctantly ordered that a second summons be reissued. ERA responded on 20 December 2024, stating that the company had undertaken further searches for the documents requested and stated that no additional documents were located. I find that ERA complied with the summons for production.

Late Application to Tender Further Evidence

75. In February 2025, the unrepresented Worker essentially applied to reopen his case and tender further documents. This was after the witnesses had been cross-examined, after the parties had closed their cases, and after closing submissions.
76. The additional tender documents included statements from witnesses that had not been called, and the Employer understandably objected to the receipt of this and other evidence. Most of the documents would have been in the possession of the Workers' legal advisers and one can only assume that they made sound strategic decisions to not seek to tender those documents or not call those witnesses. As I stated above, I thought that the Workers' legal advisers had properly and fairly presenting his case throughout the hearing.
77. It also appears that some of the additional tender documents had not been discovered, where the Employer suggested further cross examination may be required of the Worker

and his GP.

78. Given the apparent prejudice to the Employer, I decline to receive into evidence many of the documents put forward by the unrepresented Worker.
79. The Employer filed written submissions on 17 March 2025 identifying the documents that it objected to, and I agree with those submissions as to the prejudice that would be caused. I decline to receive into evidence the documents to which the Employer objected, and I will only receive the remaining documents which were not subject to an objection.

Conclusion

80. The Worker has been successful in the claim, and I will make a declaration sought and general order as to payment of arrears.
81. There are a few matters that may remain unresolved such as normal weekly earnings, interest, medical expenses, and costs. The Worker would be wise to re-engage his former representatives to help him with the consequential orders.
82. My preliminary view is to award costs to the Worker payable at 100% of the Supreme Court Scale.

Orders

1. The Court declares that the Worker has suffered a mental injury arising in or out of the course of his employment;
2. The Employer is to pay the Worker
 - a. compensation for total incapacity from 20 October 2021 to the present
 - b. interest; and
 - c. reasonable medical and rehabilitation expenses
3. The parties have liberty to apply for orders as to costs or any other consequential orders.