



Submission to

The Education, Tourism, Innovation and Small Business Committee

Workers' Compensation and Rehabilitation (National Injury Insurance Scheme) Amendment Bill 2016

July, 2016

Introduction

The Queensland Nurses' Union (QNU) thanks the Education, Tourism, Innovation and Small Business Committee (the Committee) for the opportunity to make a submission to the inquiry into the *Workers' Compensation and Rehabilitation (National Injury Insurance Scheme) Amendment Bill 2016*.

Nursing and midwifery is the largest occupational group in Queensland Health (QH) and one of the largest across the Queensland government. The QNU is the principal health union in Queensland covering all categories of workers that make up the nursing workforce including registered nurses (RN), registered midwives, enrolled nurses (EN) and assistants in nursing (AIN) who are employed in the public, private and not-for-profit health sectors including aged care.

Our more than 53,000 members work across a variety of settings from single person operations to large health and non-health institutions, and in a full range of classifications from entry level trainees to senior management. The vast majority of nurses in Queensland are members of the QNU.

Recommendation

The QNU recommends the parliament passes the Bill.

Workers' Compensation and Rehabilitation (National Injury Insurance Scheme) Amendment Bill 2016

The Bill proposes changes to the *Workers' Compensation and Rehabilitation Act 2003* (Qld) (the Act). Clause 30 of the Bill inserts a new chapter 4A into the Act to implement a model for the National Injury Insurance Scheme (NIIS) for workplace accidents consistent with the NIIS for motor vehicle accidents under the *National Injury Insurance Scheme (Queensland) Act 2016*. Clauses 12 – 25 and 27 – 39 of the Bill insert a new chapter 4A into the Act. These amendments will enable workers who meet the eligibility criteria for particular serious personal injuries with a lifetime statutory entitlement to treatment, care and support payments.

Nurses and midwives work in a unique occupational environment that can require rotating and night shifts, long hours, prolonged standing, lifting, and exposure to chemicals, infectious diseases, x-ray radiation and other hazards. It is an unfortunate reality that their work also exposes them to violence and abuse that puts them at risk of sustaining serious injuries.

In their treatment and care for the public nurses and midwives do not seek to establish fault and allocate blame. They treat and care for everyone with respect and according to need. In our view, the introduction of no-fault lifetime care and support arrangements for people who sustain serious personal injuries at work regardless of fault is a welcome entitlement not just for nurses and midwives but for all Queensland workers.

We note clause 5 of the Bill in effect prohibits the contractual transfer of liability for injury costs from principal contractors or host employers to employers with a workers' compensation insurance policy (such as subcontractors or labour hire employers). This restores the policy intention that an insurer is only liable to indemnify an employer for its legal liability to pay damages to the worker.

The QNU made a substantial submission to the inquiry into Labour Hire Practices in Queensland and appeared at the public hearing. Given the precarious work environment many labour hire workers already experience, this prohibition will encourage employers to maintain health and safety standards and a more secure compensation scheme for these workers.

Clause 11 of the Bill amends the indexation method for statutory compensation entitlements and common law damages entitlements under the Act. This means a reduction in the value of the Queensland ordinary Times Earnings (QOTE) will not result in a reduction to compensation payments. This is a further welcome protection for Queensland workers.

Conclusion

Nurses and midwives work tirelessly to keep the health system safe for everyone. The important workplace rights contained in the Bill will provide nurses and midwives with better workers' compensation protections to carry out their professional obligations.