



Speech by

Mr BRUCE LAMING

MEMBER FOR MOOLOOLAH

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WORKCOVER QUEENSLAND AMENDMENT BILL

Mr LAMING (Mooloolah—LP) (4.24 p.m.): In the course of this debate and in the presentation of the ill-named report, Restoring the Balance, a lot has been said about the Kennedy report of 1996. There is good reason for that. Even this Bill's most ardent supporters would have to acknowledge that the 1996 inquiry and its subsequent recommendations pulled Queensland's workers compensation system out of a huge hole—a \$400m-plus hole in terms of long-term unfunded liabilities. Not only that, it has set the system on a path of greatly improved equity and established a basis for true and meaningful reform.

The pity of this Bill is that, far from restoring any balance to the system, its effect will be to restore imbalance, to restore inequity and potentially to restore serious underfunding. However, in speaking against this Bill I acknowledge that now is the time to undertake a process of careful review of the WorkCover system in Queensland. I have no argument with that. It is a good idea. What is not a good idea is tinkering at the edges. What is not a good idea is adopting this piecemeal approach, so clearly responding to the wishes of one small group of self-interested people against the interests of workers and of employers.

It is ironic and somewhat a pity that the Minister actually failed to latch on to the significance of what Kennedy had to say as we approach the year 2000. If the honourable member for Kedron had soaked up the intent and the rationale of the 1996 report and recommendations, he would have seen instantly that he was being offered a mechanism for true reform. I am referring to the opening comments of Mr Kennedy in his report to the then Minister, the honourable member for Clayfield, in June 1996. He stated—

"Workers Compensation is evolving as is the structure of the workforce. Moreover, within three years time the full impact of National Competition policies will be brought to bear on Government schemes. It will therefore be necessary to review the workers compensation system again in three years."

That is a ringing endorsement of true reform—objective reform and functionally and fiscally responsible reform. Kennedy repeats this assertion in other parts of his report and recommendations. He points out, quite rightly, that there are no quick fixes and easy solutions.

I think it is worth while reminding honourable members that, while Kennedy believed a full-on review would be needed by now, he also believed that the worst thing possible was to attempt the bits and pieces approach now being adopted by Labor and the Minister. He was exceptionally clear in his recommendations on that point when he wrote—

"The recommendations of this Report"—

that is, his report—

"require all sections of the community to accept some compromises. The recommendations form a coherent response to the needs of workers compensation. They should be accepted as a complete package."

That is exceptionally clear.

Mr Roberts: What page of the report is that on?

Mr LAMING: Obviously the member for Nudgee has not read the report clearly, otherwise he would know what page it is on.

As with Kennedy's comments on the need for a review in three years, this insistence on keeping the recommendations together as a package is repeated on several occasions in his recommendations. The reason is that he never attempted to put together a scheme for WorkCover which would appease one section of the community to the detriment of others. He adopted a genuinely independent approach. I imagine that he never believed that before the three years were up this House would be debating a Bill which does exactly what he warned against.

I turn now to the issue which received the most coverage in the formal submissions received by the Kennedy inquiry. That issue was not the contentious common law issue. It was not premium level setting or even self-insurance. It was the priority for rehabilitation and return to work. I think that still reflects more than anything the true feeling of the wider community.

One of the most unwise aspects of this ill-advised approach by the can't do Government of the honourable member for Brisbane Central is the way in which these proposed amendments impact on the vital aspect of rehabilitation of injured workers. It is interesting that, for all the rhetoric of the Minister and his mates in the higher echelons of Trades Hall, they have had little to say about this, the universally canvassed issue in the 1996 inquiry: rehabilitation of injured workers and their return to work.

The Minister's report—the tome that surely must have been named by some wag in the Minister's office in honour of Mrs Malaprop, for how else could it have been named Restoring the Balance—does not even use the word "rehabilitation". Neither did the Minister in his second-reading speech. This is despite the fact that what everyone who is associated in any way with workers compensation knows is that most injured workers simply want to get back to work as quickly as possible. We all should recognise that, and we should pay tribute to the vast majority of Queenslanders who seek only to do a fair day's work and to do the right thing by their employer or their employee. Whereas there are rorters on both the employee and employer side of any workers compensation system, by far the majority of workers are honest and are keen to get back to work. And by far the majority of employers also are honest and are anxious to see their work force restored to full capacity and supporting their families.

I ask members to listen to this comment by one of the State's bigger individual employers in 1996. He said—

"This Act must provide benefit structures which encourage workers to fully participate in rehabilitation. The Board, in its administration of this Act, must eliminate the current bureaucratic impediments which exist for injured workers being involved in employer based return to work programmes. The process of being involved in rehabilitation must be normal, uncomplicated, absent of bureaucracy and locally managed. The Board's role should be one of standard setting and audit rather than direct operational involvement."

Those are excellent sentiments. They are sensible conclusions. So who was that employer with such appropriate faith in the value of employer-based return to work programs? He was a Labor man: none other than Jim Soorley, Labor Lord Mayor of Brisbane.

One after another of the submissions made to the 1996 inquiry stressed the need for rehabilitation and early return to work programs. Time after time they urged that employers be given more capacity to become involved in the delivery of workers compensation so that the needs of both the workers and employers could be best met. Those submissions covered the full spectrum of our society, our work force and our employer base. Employers, unions, individual workers, health care professionals and other parties agreed upon the need for early intervention to assist the injured worker. And there is no doubt that much of what they said had a significant impact on the outcome of the inquiry and in the legislation which followed, which is working so well.

Let us not forget that the reason an inquiry was held in the first place was that the system had gone off the rails. It had had too much political interference, too much ill-advised backroom tinkering by the clones and too much backyard tinkering by the clowns. There were many issues which impact on the importance of rehabilitation, and this amendment Bill manages to impact on most of them. That is why I am so concerned about the silence of the report, the silence of the Minister and the silence of this Bill on rehabilitation and return to work programs.

By sabotaging the definition of "injury", by weakening it in the way which is recommended in this Bill, we impact on the incentive for rehabilitation and early return to work. By undertaking such a course of action, the importance of effective rehabilitation and claims management to minimise workers compensation costs increases considerably. In order to achieve that level of effectiveness in rehabilitation and claims management, we need to balance the equation. We must restore the balance. But where are the initiatives on rehabilitation and return to work programs? They do not exist.

This can't do Government and this bumbling Minister have dropped workers compensation back into the pit from which Kennedy and the coalition Government managed to extricate it. The Beattie Labor Government is interfering—as the Goss Labor Government did on at least three occasions; Labor never learns—in the delivery of a fair, a balanced and an effective workers compensation system.

It is the kind of attitude that used to emerge from the smoky back rooms at Trades Hall, except that right now the Trades Hall cronies are the real powerbrokers of Government in this State.

It is a great shame that this Government does not recognise what hundreds of thousands of honest Queensland workers know for a fact: that the most important thing for an injured worker is to get back to work, that the most important thing for an injured worker is to have quick access to rehabilitation, and that the most important thing is to be able to get back into employment even if the result of an injury does not permit employment in his or her previous task.

The relevance and the potential damage which can be caused by these proposed amendments to rehabilitation and early return to work cannot be underestimated. The Australian Medical Association previously summed it up in the following words—

"Meeting the needs of workers depends on early claims resolution, on appropriate medical treatment and on rehabilitation, especially in the workplace. Early resolution allows the patient to earn income and not to rely on compensation. Early claim resolution is based on early rehabilitation in the workplace and, therefore, the best results ... it is the aim of medical practitioners to return employees to the workplace as quickly as clinically appropriate, and have the employee and the employer actively participate in the rehabilitation process, located in the workplace."

That was the AMA's view then, and I do not imagine that it has changed in the past three years. And what it highlights once more is the emphasis which is placed on employee and employer participation in the rehabilitation and return to work process. It also emphasises the issue of workplace rehabilitation.

The new proposals before us—the changes to the definition of "injury" and "self-insurance" in particular, but also in other areas of claims management and assessment—fly in the face of the best professional advice and the most commonly expressed needs for injured workers. Here we have a Minister replacing good law, which is working well, with misplaced ideology. By all means, let us have that review of the laws which Kennedy so urgently recommended after three years, but let us have it in the context in which it was recommended, and that is as part of a natural process of keeping pace with the ever-changing economic and social structures of our society.

I point out, too, that it is not only the Trades Hall clique which has been so influential in this effort to dismantle the much-needed workers compensation reforms of the coalition Government. One of the smallest but most vocal group of people who have influenced some of these proposed amendments are the ambulance chasers among our legal profession. The coalition Government brought some reason back into the system by curbing the more excessive activities of this legal splinter group. However, they must be laughing all the way to the bank over the definition of "injury" changes. The changes will encourage some workers to avoid rehabilitation and early return to work in the pursuit of extra compensation in the very courts which had so much difficulty interpreting this definition of "injury" prior to 1996. As I said earlier, the system that was put in place has been working well.

I now wish to refer to the WorkCover Queensland annual report for 1997-98. I am not sure whether other members have referred to it, but I wish to quote just a couple of extracts from it. One of them refers to the finances of the fund. I think that is obviously one of the most fundamental issues to be looked at. I want to refer to four of the dot points under "Our finances". We see that the solvency margin improved to 2.2% from minus 7.4%. I believe that is a significant increase. We had an improvement in the net asset position from a deficit of \$126m to \$43m in the black. We received a 10.21% return on investment. This was worth \$192m. We saved more than \$3m through fraud detection.

The report also refers to customer satisfaction. Obviously, one could have a good financial income but the customers, both employers and employees, need to be satisfied with what the fund is doing for them. The report reads—

"In 1997-98, WorkCover used the following surveys to measure customer satisfaction:

Client Satisfaction and Needs Assessment Survey: WorkCover conducted a Statewide survey in January 1998 of 1,200 employers, workers and members of the public to research current awareness and attitudes about WorkCover."

I turn now to the figures for injured workers' satisfaction because this is something that would interest most members of the House because these are the people whom the fund is set up to cover. WorkCover's client satisfaction survey showed that 85% of respondents were satisfied with the time limits of their compensation cheques, 88% were satisfied with the overall management of their claims, and 81% were satisfied with the fund's rehabilitation services.

In addition, WorkCover surveyed 207 of its staff in February and March 1998. The key results showed that 84% of respondents rated WorkCover as a satisfactory organisation to work for, with 37% rating it above average to excellent; 80% rated their job satisfaction as good to excellent and 66% rated their level of job security as good to excellent.

I think it would be difficult to find that level of satisfaction in any other industry. This is an industry which is dealing with people who have complaints, so it is very easy to have low staff morale. It is pleasing to see such high staff satisfaction.

Workers compensation legislation will always have an effect on employment because it is another cost on employers and accidents affect the efficiency of the work force. It is good to see that employment figures are looking better and that unemployment rates seem to be going down. I would not suggest that that result is due to legislation which has been put through the House by this Government; it probably has more to do with the Federal situation and what the State coalition did during its time in Government.

Mr Robertson: Be fair.

Mr LAMING: The member for Sunnybank asks me to be fair. I thought I was being completely fair in my remarks. At a time when things are looking up I become a little nervous when I see some of these things creeping back into the House. Some of this legislation could reverse our positive situation. I hope this is not the harbinger of things to come and that we do not see preference clauses, unfair dismissal laws and such things being brought back into the House. Such things would make it very difficult for the employment figures to keep improving. I would be the last to wish that unemployment rates do not go down in the future.
