



Speech by

JOHN MICKEL

MEMBER FOR LOGAN

Hansard 15 April 1999

WORKCOVER QUEENSLAND AMENDMENT BILL

Mr MICKEL (Logan—ALP) (5.22 p.m.): For the benefit of the member for Gregory, I point out that the member for Townsville spent 15 years in small business. There is one fundamental difference between members opposite and the member for Townsville. Unlike some people opposite, the member for Townsville did not start off with a big business and make it a small business; he started off with a small business and made it a bigger business.

This has really been a landmark debate. It has been the conversion of the member for Gregory. Today we heard from the member for Gregory a straight lift in parts from a speech made to the National Party conference by none other than the Leader of the Opposition. While he is in his sick bed he can gain some comfort from the fact that at least the member for Gregory is on board. He has one more vote.

From the contributions made to this debate by those in the Liberal and National Parties, it is evident that they could not hope to represent all Queenslanders. We have heard—the member for Lytton proved it—the same tired old lines we have always heard. If people pick up a Hansard, as the member for Lytton did, from any time in the last century, since Labor was created, they will see a conservative attack on us through the union movement. Any reform on behalf of working people is seen by them to be a payback by us to the unions. Let us turn the argument around. Presumably, then, on the basis of that logic, the blocking of these reforms by the coalition is a result of the fact that the Liberal and National Parties are in the pockets of big business, which kicks in to their election campaigns.

Mr Johnson interjected.

Mr MICKEL: I knew that would get them going. Their opposition is a payback to their masters in big business. Whoever pays the piper plays the tune.

Mr Cooper interjected.

Mr MICKEL: The member should not talk to me about preferences. He would not be here without our preferences.

We heard in this place that people on workers compensation were bludgers. That is what those opposite said. Let us get quite specific about it. If people are defrauding workers compensation or social security, they should be met with the full force of the law. I have no sympathy for defrauders—none. We did not hear much, though, from the Opposition about businesses that bludged on the system. The Kennedy report suggested that WorkCover Queensland was facing a \$28m shortfall in known unpaid premiums. It went on to say—

"This does not include consideration of employers who escaped the net altogether."

I understand that the level of compliance in the building industry could be as low as 30%. If that is the case, then about \$700m has not been collected in this industry alone. I am pleased that the Minister is making an attempt to rein in the businesses that are bludging on other businesses and avoiding their responsibilities—not only to the other businesses but also to the people they employ.

We have heard a lot from the Opposition about competitiveness in business. I agree that businesses should be competitive. All businesses should pay WorkCover premiums if they are legally required to do so and they should not get a competitive advantage by illegally avoiding the payments. Let Liberal and National Party members get up and say where they stand on that issue.

The fact of the matter is: even with these changes we will still have among the lowest WorkCover rates in the nation. In other words, Queensland business will still be competitive. But today I want to speak on behalf of the majority of the work force. The facts are that the majority of the work force is non-unionised. Whether I like it or not, these people are some of the most marginalised in our community.

I can recall the tomato pickers in the Bundaberg district who had to pick the crop after it had been sprayed with chemicals. They were not issued with gloves and they had no access to a facility for washing their hands to get rid of the chemicals before eating their lunches. No toilet facilities were provided. It was particularly degrading for female workers. I know that the Minister for Family Services will be interested in this: female workers in that industry were paid less than their male counterparts for the same work effort.

I do not want to denigrate all of rural industry. In fact, I was out in my favourite country town of Goondiwindi last week and I saw a first-class example of primary industries. The cotton picking is under way there. People working in the cotton gins and on the cotton farms were given courses in workplace health and safety. The reason was so that they would have a safe and secure workplace. This is an outstanding industry. Ninety-five per cent of its product will be exported this year. It is extraordinarily internationally competitive. Because of its commitment to workplace health and safety, I am very confident that it will stay that way.

I recently had contact with a constituent who was injured at work—she also was not in a union—and who was in tremendous agony. She had to front the medical assessment tribunal and was fearful of that. She was quite lacking in confidence about it. Had she been in a union, there would have been an industrial advocate there to help her. My office staff endeavoured to get as much advice for her as we could but, nevertheless, she had to front a group of doctors for assessment. This can be quite a daunting task, particularly if you are in agony and particularly if you are unsure of the doctors that you have to face.

She went in there, with all those anxieties. Two days later she received a curt note advising her of her disability percentage. I am pleased that the Minister is doing something about that in this legislation. The Government has recognised what an overwhelming experience it is for people who are in pain and anxious and lacking in confidence. Formerly there was no appeal. The legislation will ensure that appellants have the right to be heard, by providing personal contact with appellants on request. It is a good, humane move and it deserves to be supported.

I am pleased that the honourable member for Crows Nest is in the Chamber, because yesterday, in part of his speech—which did him little credit—he criticised the inclusion of "stress" in this legislation.

Mr Cooper interjected.

Mr MICKEL: The member says that he made a good speech. Let me quote the good bit from it—if he thinks it was such a great speech. He said—

"Stress is something for those people who just want to cop out because they cannot take it."

Mr Cooper: Exactly.

Mr MICKEL: The member says, "Exactly."

Mr Cooper: Bludgers.

Mr MICKEL: "Bludgers", he says.

Mr Cooper: Absolutely.

Mr MICKEL: "Absolutely", he says. What a disgraceful attack on people in general! The member has changed his mind as he has changed his job, because a few years ago he used to say that the police had a stressful job. The police in my electorate, for whom I have the highest regard, will tell the honourable member about the stress and what it does for them. They will tell him what it is like when one of their colleagues gets shot in the leg.

Mr Cooper interjected.

Mr MICKEL: The member said, "Stress—absolutely" with no equivocation. He is now trying to walk away from that.

What about the teachers who put up with unruly or emotionally disturbed children and receive no backup from parents? They will tell the member all about stress. What about the unskilled worker who is told that he must be multiskilled? He will tell the member what stress is. Talk to the nurses who, because of shorter bed stays in hospitals, are receiving more and more acute patients. They will tell the member what stress is. And so will the doctors in rural areas, who cannot get any relief. They will tell the member what stress is.

I hope that the National Party also recognises the stress felt by primary producers, who experience crop losses, drought and mounting debt. I believe that the high suicide rate in some of those rural areas is directly related to the stress that those people feel. But according to the honourable member's definition, they are bludgers—those folk who are undergoing structural change on those properties!

Mr Knuth interjected.

Mr MICKEL: The member would get stressed just sitting there. Stress is felt by people at the forefront of sometimes rapid technological change, which the whole world is undergoing. It affects people differently. It should not be dismissed only as an extension of a bludger's syndrome. I am surprised at the honourable member for Crows Nest because, from time to time, he has employed someone as his media adviser, and they always take stress leave; they are always leaving him for stress-related purposes, and the member knows it.

Mr Cooper interjected.

Mr MICKEL: The member does not remember his staff. My goodness! What sort of stress is he under?

I now want to direct my attention to WorkCover. While the Minister is in the Chamber and the Deputy Speaker is in the chair, I want to praise officers like Bob Bird in Logan Central for the excellent job that he and his staff do. They are always prompt, diligent and courteous in their replies to me.

A Government member: Hear, hear!

Mr MICKEL: I note "hear, hear!" from the Labor side of the Chamber. His work should be recognised. However, I regret to say that this diligence has not always been the case in the central office. The timelag that many people experience is a great cause for anxiety. Let me state what I am on about, because I want to own up to what may be a conflict of interest.

My wife is a physiotherapist but, as I understand it, she is not currently undertaking WorkCover cases. Until next Saturday, when her term expires, she is president of the Queensland branch of the APA—a position she discharges professionally and impartially. I want to highlight the difficulties faced by the physiotherapy profession, the angst that they face and the huge cost outlay of some of the patients.

Physiotherapy is vital if WorkCover is to reduce its costs. Rehabilitation is the vital link in the back-to-work program. It helps clients manage their injuries and prevents the same injury from recurring. Yet the payments from WorkCover to physiotherapists of \$8.5m represent simply 2% of all the costs. Last year, according to the schedule of fees that has been released, doctors received massive increases in some of their scheduling, yet physiotherapists have not had their pay schedules increased, I understand, for more than three years. I am advised that some of the physios now will not perform WorkCover cases because whereas in their private practices for other cases they can receive a standard fee of \$36.50, for WorkCover they get \$30.20.

There is a particular aspect of the plan that I want to bring to the attention of the House, that is, the physiotherapy management plan, which is called the C50 report for continuation of a treatment. It is not remunerated by WorkCover, and there are delays in patients' claims being accepted by WorkCover. This means that patients feel guilty because they have been smeared—as we have already heard today—in their eyes as defrauders, and they feel guilty until WorkCover finds them not guilty. If WorkCover rejects their claim—sometimes even months after the initial treatment—the patients and physios are considerably out of pocket for that experience.

Today I was notified by a physiotherapist on the north side of Brisbane of two cases which highlight what I am talking about. I hope that the Minister and the staff who are attending him take note of these cases to see if we can get some improvements in the WorkCover scheme. I will simply call this Case 2. The notes say—

"Treated Oct. 1997 for 5 treatments on WorkCover referral from a local GP. I sent claim for payment 05/11/97. Payment input at WorkCover 10/11/97. Mid-Dec. payment still not received, so I rang WorkCover only to be told the claim was still undecided.

Mid-Jan. 1998 I rang again. This time I was told that the claims officer still needed to receive the employer's paperwork and the patient needed to come in for an interview. I rang the patient immediately and he stated that he had had the interview 1 week earlier and he would chase up his employers' paperwork.

Late Jan. I rang WorkCover again and was told employers' paperwork completed and interview completed but that they needed a doctors' report before the claim could be accepted. The request for doctor's letter had been sent that week—2 1/2 months after input of the claim! This letter had been sent to an incorrect/non-existent doctor. I gave WorkCover the correct name and the doctor received his letter later that week.

5th Mar. 1998 we received a letter notifying us that this claim had been rejected—6 months after treatment."

That is, the patient was put to that inordinate expense and, six months later, there was no payment. In other words, the physiotherapists could find themselves out of pocket.

The honourable gentlemen opposite talk about small business. Let me tell them that the GP may not get paid, because a worker who is injured is not capable of working. The physiotherapist, who is also running a small business, also may miss out. So when we talk about the effects on small business, we should look at the effects of delayed payments on small business.

I want to deal with the second case, which is referred to on this document as Case 4. It states—

"While waiting for a C50"—

which I explained to the House before—

"to be approved this patient re-aggravated his injury. WorkCover then told us that the delay was due to the patient not forwarding a Medical Certificate (patient was informed of this 3 weeks after we forwarded the C50). A second C50 was hastily approved when I pointed out that the patient's condition had worsened due to lack of treatment. The extra treatments would not have been necessary if the initial C50 had been actioned in a timely manner."

In other words, the delay in processing the claim means a delay in treatment in some instances. That delay in treatment simply aggravates the injury and provokes a cost increase unnecessarily to the WorkCover scheme. In his wisdom—and I spoke with him this morning—the Minister is looking at this with the increased training focus that he is giving to his staff. I congratulate him wholeheartedly for this. I make the point again that these delays aggravate recovery times for the employees, but they also aggravate the costs on small business—the small business of the GPs, the physios and all those other rehabilitative sectors of the industry.

I commend the Minister for the changes that he is going to make. I look forward to seeing earlier processing of claims for the people who are affected. I have not met a worker yet who has enjoyed being injured. Not one worker that I have met thinks that he is a bludger. Not one of the workers' families has thought that it was a great hoot that Dad had a walking cane. To have workers impugned in this House in some of the speeches of those opposite is a disgrace.

I want those workers to know that as long as I am their member I will be in there fighting for them—fighting to make sure that their claims are processed. However, if there is an attempt to defraud the system I will make sure that the full force of the law is right on the perpetrator. The same thing applies to businesses which are not paying their premiums. Why should such businesses gain an unfair competitive advantage over an employer who is paying the premiums and doing the right thing by his employees? I commend the Bill to the House.
