



Speech by

Mr J. HEGARTY

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WORKCOVER QUEENSLAND AMENDMENT BILL

Mr HEGARTY (Redlands—NPA) (5.45 p.m.): During the debate on the WorkCover Amendment Bill 1999, which the Opposition forcefully opposes, we have heard a lot of negativity from the Government. It is claimed—for the most transparently political motives and not for any legitimate management or administrative reasons—that the coalition's reformed workers compensation system is not working. That is grossly unfair. That this is typical Labor hype is obvious from the contributions we have heard from members opposite so far. They do not understand that employers are not part of the welfare system. They do not understand that compensation insurance must be actuarially sound and prudentially secure. They do not understand that if they have a worthwhile argument—or even if they think they have—then the best way forward is to be positive.

I am going to focus on being positive in my contribution to this debate. One of the most important—if not the most important—aspects of workers compensation is rehabilitation and a speedy return to work. That is clearly recognised in the approach which WorkCover Queensland has taken to date under the chairmanship of Mr Frank Haly in the first instance and, since then, Mr Ian Brusasco.

Put simply, the WorkCover Board and its staff have been doing an excellent job in developing a "return to work" culture in Queensland. I will elaborate on that shortly. But firstly, I regret to say that the result of this proposed legislation is going to have a significant and dangerous impact on rehabilitation and a speedy return to work.

New definitions, particularly for "injury", as well as a somewhat counter-productive approach to self-insurance and the cost benefits that can bring, will lead to less and less opportunity and incentive for employers to join with the work force in developing safer working conditions. This short-sighted policy will also lessen the emphasis that we have to put on getting employees back to what they want to do, which essentially is to work.

It has been argued—persuasively in my view—that the proposed changes to the definition of "injury" will bring about a return to the compo culture that developed in the early 1990s under the Goss Labor Government. Part of that compo culture embraced a small but very active group of lawyers who literally pursued employees for business purposes in ways which the greater proportion of the legal profession found to be extremely distasteful.

One Workers Compensation Board rehabilitation counsellor went so far as to say that "negative" advice was usually given to injured workers by their lawyers. That advice was to consider, and pursue, a common law claim in preference to rehabilitation and returning to work. In other words, we had a scenario where an injured worker would be receiving workers compensation—perhaps even getting some rehabilitation—whilst looking forward to a quick return to work. Then he or she would read an advertisement in a newspaper in which a lawyer would offer the prospect of "no win, no pay" legal action on their claim.

Under the old system—the Goss Government system, the Labor system—with its ill-defined injury definition, the worker who took up this invitation might well be told that a claim for higher compensation could exist but that this might be jeopardised if they returned to work. The result of this particular morsel from the lawyers' picnic was that the incentive to return to work quickly could be lost. In circumstances where the inducement to obtain more money was being held out there might be a natural inclination to take that advice.

I am not saying that all lawyers, or even many lawyers, who are engaged in the area of compensation litigation took that view. However, we must recognise that the evidence of the Kennedy inquiry flushed out the fact that such operators do exist and that they prey upon injured workers in this way. Under the coalition's reformed and revitalised WorkCover system, their day was largely gone. Under the flawed and foolish proposals now before the House, at the instruction of the unions and other fellow travellers, they will be invited to return. They will be given an open door to come back in to grab a new share of the pickings that will be available under this reversion to the old system. Worse still, it will once again bring about a belief among workers that their rights, in this case, apparently, to ever high levels of compensation, unquestionably outweigh their obligations to their workmates, to the community and to themselves to get back to work with all possible speed. It will again encourage a practice of staying away from work, waiting to see how their newly acquired lawyers can perform on their behalf. The consequences of that approach are only too well known.

One of the factors that makes some workers prey on the compo culture is the lack of awareness of the real value of the system available to them under WorkCover. A WorkCover Queensland client satisfaction and needs assessment survey was conducted to determine that and other factors. It showed that unprompted awareness of WorkCover was low among workers surveyed. While on the one hand a small number of compo lawyers rely heavily on newspaper, radio and television advertising to trot out their alarmist and self-serving propaganda, WorkCover itself is an unknown factor to many workers. However, the true level of success of WorkCover comes through once a worker has the unfortunate experience of a workplace injury. The very same survey showed that once a worker came into the WorkCover system through injury, the level of satisfaction with how he or she was treated is very high.

There is always room for improvement. Of course, we all recognise that no person or organisation can claim perfection. However, in the context of WorkCover, there has been a very reasonable result for an organisation dealing with such contentious and traumatic issues as workplace safety, workplace injury, compensation and rehabilitation. It is a fact that 88% of all workers compensation claimants are satisfied with the overall management of their claims. That hardly seems to qualify WorkCover as a suitable candidate for the waves of emotion that we have heard over the past two days from the Government opposite. To listen to them, one would think that Attila the Hun had been reincarnated as a WorkCover assessor. Eighty-eight per cent of citizens are satisfied with the way in which WorkCover has handled their cases. That is a far higher level of satisfaction than some of the union leaders out there would like people to believe. It is certainly a far higher level of satisfaction than some of the compo lawyers would like WorkCover to have. It gives the lie to the politically inspired and meddlesome claims that State compensation sets out to do people down.

There are more positive sides to WorkCover that I want to share with the House. In terms of actual payments of compensation, that is to say, how quickly people received their money, the satisfaction level is 85%. I wonder how many insurance companies can boast a higher satisfaction rate of payment of claims. There is also the issue of the rehabilitation service. The WorkCover survey showed that 81% of insured workers were satisfied with the rehabilitation services that they were offered. That is a good record but, in my view, it could be better and I know that WorkCover takes this view, too. They are keen to continually improve their services across-the-board and no more so than in the area of rehabilitation, which is truly the front line and sensible compensation policy.

WorkCover is already working to achieve higher performance target levels. I wonder what results they have achieved already subsequent to the survey to which I have already referred. I wonder if the level of satisfaction with the service among injured workers has now crossed the 90% line. If so, perhaps the Minister would like to let us know about that. He could use some real intelligence to add to this debate, or is this just a statistic that he would prefer to keep quiet about until he has this wrecking legislation through the House.

These results prompt one to ask: if WorkCover is performing, why does it need to be fixed? There is room for a review, as there is room for a review of any aspect of public policy. There is room for a review of performance levels, but it would really be refreshing as well as sensible to hear this Government acknowledge that if things are working it is best not to meddle with them. It would also be refreshing to hear this Government manage to be positive about a very successful organisation.

WorkCover itself could do a little more work to improve its image. It should look at its image among those workers in the community who have not had the unfortunate experience of suffering a work-related injury that brought them into contact with the workers compensation system. In other words, it could choose to fight fire with fire. It could take on the compo lawyers—that cashed-up cabal—who advertise their wares in the media. If WorkCover could do this, and as a commercial operation it might well decide that there are benefits in a little public relations activity, then the people might gain a far greater and wider understanding of just how good the system is. That in itself might encourage people who are injured to use the rehabilitation service offered and, where appropriate or possible, to get back to work as early as practicable.

Also, these survey results, in particular the 85% satisfaction level with the management of compensation claims, show that the current system is working well. It shows that the WorkCover board management and staff are doing a good job. Those figures demonstrate to the Minister that, instead of being a pessimist, he should be proud of the operation over which he now exercises political control. He should be encouraging it to better things. He should be bolstering the WorkCover system rather than undermining it with the dangerous mid-century policy initiative—and, by the way, I use that word with no enthusiasm since initiative is obviously not among the qualities of this Government's approach to compensation—by which it proposes to send WorkCover back to the Dark Ages.

During all of this debate, nowhere near enough has been said from the Government side about the excellent job that is done by the 1,000-plus WorkCover staff in more than 20 offices throughout Queensland. From my contact with WorkCover staff on behalf of my constituents—infrequent although that might be—I have always been impressed with the service that they provide and their fair handling of claims within the constraints of their guidelines. In a corporate sense, they have a very difficult job to do—one for which they deserve high praise. I think that it is a huge credit to these workers that 88% of all claimants are satisfied with the way in which their claim is handled.

Dealing with injured workers is often hard, especially when those people are still suffering from trauma. It is a task that requires very high professional skills in a particularly difficult area. Whether the officer is a claims officer or a member of the rehabilitation staff or whatever, those people do not have an easy job. However, WorkCover's people obviously handle their jobs with great skill and professionalism. They certainly do not deserve to be damned by the faint praise that we have heard from the members opposite.

I turn now to the size of WorkCover's task. WorkCover Queensland handles insurance policies for 140,000 Queensland employers. Every year, they manage injury claims made by an average of 80,000 workers. WorkCover staff and management are responsible for developing and delivering rehabilitation plans in partnership with employers. They are very active in promoting risk and claims management strategies with employers. In short, the 1,000-plus WorkCover staff provide Queensland workers and employers with a service that I assert is without equal in Australia. The results are there for everyone to see. WorkCover has a staff of whom any major employer could feel proud. It is a staff of which the Government can be proud. When it comes to making a decision about this myopic legislation, WorkCover has a work force that this Parliament should respect.

In its annual report, WorkCover tells us that it recognises that satisfied staff serve customers better. It points out that WorkCover now has in place what are described by Ian Brusasco as unique programs to reward and recognise outstanding performance and to coach and develop professional growth. The only problem with that is that the Kennedy inquiry revealed that, because the definition of "injury" was so vague, the staff had great difficulty in dealing with many claims. This Government is now going to revert to the old system—the failed Labor system that the coalition had to fix upon coming to office with its far-reaching reforms. This Government is going to revert to the failed system of the past—the system that gave staff of the then compensation system a whole lot of trouble when it came to processing claims. If the amendment to the definition of "injury" is passed, once it is implemented, it will be interesting to see how that change impacts on staff morale.

In the latest survey, 84% of WorkCover staff said that WorkCover was a satisfactory organisation to work for. Staff morale was high: 80% rated their job satisfaction as good to excellent. I believe that that is also an excellent result. My concern is that, once the new laws get into place, claims staff in particular will have a greater difficulty placed upon them as a result of the new—or rather, old and tired—law. My concern is that it will cause a lot of distress in their dealings with injured workers and vice versa. My concern is that the return to the compo culture will impact severely on staff morale. I hope that I am wrong, but history shows that it is likely to happen if what is proposed comes to pass.

I urge all Government members to examine their consciences very carefully on this issue. Do they really want to recreate the chaos in workers compensation of the 1990s? Do they really want to bring back the small but very active flock of compo lawyers? Do they really want to again put the WorkCover fund deeply into the red? In the latter stages of the 20th century, thinking members of the House will not support this legislation. I do not support this Bill.
