



Speech by

Dr LESLEY CLARK

MEMBER FOR BARRON RIVER

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WORKCOVER QUEENSLAND AMENDMENT BILL

Dr CLARK (Barron River—ALP) (3.26 p.m.): It is with pleasure that I rise to participate in the WorkCover Queensland Amendment Bill debate. There can be nothing more important to a worker than the peace of mind that comes from knowing that, in the event that they have an accident at work which prevents them from carrying out that work, they will be adequately compensated and will not suffer financially through no fault of their own.

When I was last member for Barron River under a Labor Government, Queensland workers had that security. The coalition's WorkCover Queensland Act 1996 denied workers that security, revealing just how little the coalition cares about the average working Queenslanders. The coalition does not understand workers. I will speak more on this subject later.

The coalition claims that the changes it made to the legislation were forced upon it for financial reasons but, as we all know now, the changes initiated by the Goss Government were successfully improving the financial basis of the workers compensation scheme. In retrospect, it is clear that the coalition over-reacted and perpetuated its own scaremongering rhetoric about black holes for political purposes rather than wait to objectively assess the impact of the Goss Government amendments. I am disappointed that once again the Opposition is scaremongering about the financial impact of the changes that are being debated in the House today. The coalition's arguments have no basis in fact, as has been confirmed by speaker after speaker on this side of the House. Many speakers have described at length the Government's proposals in this Bill. As the Minister said, it will restore the balance.

In my contribution this afternoon I would like to focus on one particular case that came to my attention soon after I was elected. To me, this case illustrates so clearly the need for the changes to the coalition's legislation that are proposed by this Bill. This particular construction worker was contracted by a painting company to carry out work on Mornington Island in the Gulf of Carpentaria. It was purely a labour-only contract because the worker did not have his own company or provide any of his own materials. On the very first evening of his first day at work he was leaving a building in the dark and walked into a fence. Unfortunately for him, there was some wire protruding from this fence that went directly into his eye. He suffered a serious injury which required subsequent extensive hospital treatment. He has lasting damage to his eye and he has frequent headaches. He believes that he suffered some brain damage as a result of this injury.

As I am sure all members can imagine, he has suffered great distress. He believes that the system has totally failed him because in his attempts to receive workers compensation he ran into the brick wall of the coalition's legislation that disfranchises PPS workers by putting them outside of the Act with the definition of "worker". My constituent had not lived in Queensland very long and he simply could not believe that as a worker who was injured during the course of his employment he was not entitled to compensation.

How was this matter determined? It was not determined by the people in the WorkCover office with whom this man dealt; it was resolved by people in the taxation office in Townsville. That was how much empathy and sympathy my constituent would get. Letters from the taxation office continually came back to him saying that there was no way that he could be proved to be a PAYE worker. Of course, that was the only way that he was ever going to receive compensation.

As the member for Bulimba so forcefully argued yesterday in this House, the coalition was content to disfranchise something like 80% of the workers in the construction industry who were on PPS payments. Of course, most of them are on labour-only contracts and they had been forced to provide for themselves. So one of the central reforms in the current legislation is the change in the definition of "worker" so that all people who work under a contract of service, regardless of their tax-paying status, will be eligible for workers compensation. The legislation will include additional guidelines to assist decision makers in determining when a contract of service exists. Extending this definition also provides protection to employers from a common law claim by workers who are not covered.

Thanks to the coalition, I have no doubt that the pain, distress and financial disadvantage experienced by my constituent has been replicated by hundreds, and possibly thousands of Queenslanders. Yet members opposite can sit in this House and claim that they actually care about workers. What hypocrites! What a lack of compassion! I just wish that the member for Clayfield, the architect of this legislation that we are removing from the statutes, could have been in my office to face my constituent. I see that the member is leaving Chamber. That is right: he is turning his back on the workers of Queensland.

A Government member: Not interested.

Dr CLARK: He is not interested. I would like to know how he could look my constituent in the eye and justify this legislation.

Mr Wilson: He can't look you in the eye while you are telling him about it.

Dr CLARK: Exactly. I wonder about members opposite. I cannot believe that they have not had people in their electorate offices describing similar situations to them and knowing that they are unable to help them. The reason they cannot help those workers is their Government's legislation.

Mr Pearce: They are responsible.

Dr CLARK: They are responsible. I wonder how they can justify that legislation to their constituents. We on this side cannot be the only members of Parliament who have people who have been disadvantaged by the legislation coming to see us. I am sure that, if I were to ask the question, all of the members on this side would tell me that they have had numerous people come to see them.

Mr Pearce: Almost one a week.

Dr CLARK: One a week, says the member for Fitzroy.

Mr Santoro: I haven't had one complaint.

Dr CLARK: That is interesting to hear. I am not surprised. It is probably more likely the case that people would not waste their time seeing the member, because they know the kind of reception that they would get. We have heard rhetoric from the members opposite that we are amending this legislation for our union mates—cosy clubs for the in-crowd. It is just rhetoric that we hear from them every time that we have such a debate, and it is just to cover up the fact that they do not care.

The change to the definition of "worker" will not occur until July 2000 when the building industry levy to the scheme becomes operative. I really appreciate the need to manage this fund responsibly, and I support that. However, I have to say that, when I discussed this issue with the Minister, I was particularly pleased to hear that he is going to be bringing amendments to the House that will ensure that PPS workers who are most seriously injured will be able to be considered for some compensation in the intervening 12 months before the changes to the definition of "worker" become operative. I also welcome other changes that will restore the balance to workers as promised by Labor prior to the 1998 election. I refer to the definition of "injury", so that once again compensation is available if work is a significant contributory factor rather than the major significant factor causing injury. Other members have referred to journey claims. It was absurd that the only way that workers could get compensation was if they travelled from home to work by the shortest route—that workers could not drop off their sons or daughters at school.

Mr Lucas: Anti-family.

Dr CLARK: Indeed. We all know that, these days, we have such responsibilities. They are part and parcel of what everybody experiences in their working lives. Yet, under the legislation, there was no recognition that this is the way families of today operate. The legislation was out of touch with the demands of working people.

I am proud to be part of a Labor Government, because the legislation that has been debated today confirms to me that it will only ever be a Labor Government that will treat workers fairly and with compassion. I commend the Bill to the House.
