



Speech by

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**MEMBER FOR MUNDINGBURRA**

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### **WORKCOVER QUEENSLAND AMENDMENT BILL**

**Ms NELSON-CARR** (Mundingburra—ALP) (5.41 p.m.): I rise to support the WorkCover Queensland Amendment Bill. This Bill is a reform package aimed at restoring equity and balance to the Queensland workers compensation system. This system must be in place to benefit the whole community and not discriminate against particular workers or employers, nor create difficult barriers making access to compensation almost impossible.

The changes made by the previous Government have created real inequality and significant reductions in the rights of workers to compensation. Discrimination is the issue here because workers from all industries are missing out on the compensation to which they should be entitled. Employers are also the losers in the coalition's compensation system because so many are paying artificially high premiums whilst others are not paying their share. Fairness and equity are not part of this scheme. Rather, its roots are in discrimination against worker and employer where the hurdles are often so high that access to compensation is too difficult.

This Bill looks at ways of restoring the balance—that is, the rights of injured workers against the need for competitive and affordable premiums for employers, while maintaining a secure and viable workers compensation system. The most important reform is the improvement of access for injured workers to compensation and, at the same time, not increasing employers' premiums and continuing the growth to full funding.

The restrictions placed on workers' access to the workers compensation system will change now that the definitions of "injury" and "worker" have been reviewed. This will provide the balance between legislative clarity to assist in decision making and providing fairness and equity in the underpinning principles. The restrictions under the WorkCover Queensland Act 1996 are extremely detrimental to the lives of many workers and their families. The issue of justice is frequently overlooked when workers have to prove that their work was the "major significant factor" causing the injury. Indeed, many workers have been excluded from coverage even though a clear contract of service existed.

Returning the definition of "injury" to "a significant contributing factor" will do much to ensure that workers are covered for work-related injuries where there is a strong link between employment and injury. The prolonged hardships faced by many workers and their families, including no job, often paying off a mortgage and a car, together with all the emotional upheaval and family dysfunction that go hand in hand with work-related injuries, should not be exacerbated by a system of unfairness and inequality.

What happened to social justice? The right to work is a fundamental right and the right to dignity and respect is even more paramount. Assisting those in need is a fundamental principle and compensating those whose suffering is overwhelming should be part of our social fabric. We should not be concentrating on rorts of the system or trying to find the few malingerers and whingers in an effort to target all workers and attempt to exclude them from rightful coverage.

The meatworkers whom I represent in Townsville know all too well that compensation for workplace injury is based on minimum tally and is hardly fair in a workplace that is already difficult enough. What we have here is a system which is immediately suspicious—a system which treats the worker as a perpetrator, a troublemaker, an exaggerator and a liar. How unfair and out of balance is that? It has been a simple case of saving money, not people. My coalition colleagues are the greatest compensation claimers yet. The member for Crows Nest tells us to grow up. Farmers are always calling

out for compensation. Give them a hail storm and they get compensation. Is it because they are nice people and they are not like the workers?

Thankfully, this Government's attempt at reform and restoring the balance with its well-planned and well-balanced processes will enable workers to continue to contribute to society, to earn money and to look after their families. No longer will unscrupulous employers be allowed to pull the wool over their eyes, forcing workers into tax arrangements so that employers do not have to pay workers compensation premiums.

But there is good news for the employer, too. Premiums will drop by 10% with the abolition of the surcharge. Premium rates will not rise because of the changes. WorkCover will protect employers against common law damages from workers injured at work. There will be the advantage of security of protection as the scheme grows. More employers paying their fair share will be the result of new compliance measures. Decisions on workers' claims will be better and more consistent.

In conclusion, the many injured workers who have been missing out on the compensation to which they were entitled will now feel more secure with the new WorkCover legislation which restores balance and equity, significantly advantaging both workers and employers. This is a better deal for all and I commend these reforms to the House.

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