Speech By

Jarrod Bleijie

MEMBER FOR KAWANA

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WORKERS' COMPENSATION AND REHABILITATION (NATIONAL INJURY INSURANCE SCHEME) AMENDMENT BILL

Mr BLEIJIE (Kawana—LNP) (5.17 pm): The bill before the House, as presented by the minister who just spoke, represents the further implementation of the National Injury Insurance Scheme, NIIS, that commenced under a deal signed by the former LNP government. In this respect it deals with catastrophic injuries to workers at work and how they will be covered and receive the necessary and reasonable treatment and care, regardless of fault.

By way of background, in 2011 the Productivity Commission recommended the introduction of a national injury insurance scheme to sit alongside the National Disability Insurance Scheme. By its broad definition, the NIIS is intended to establish no-fault lifetime care and support arrangements for people who sustain serious personal injuries across four main areas: motor vehicle accidents, which was dealt with by the House in the past few months; workplace accidents, being dealt with in this bill; medical treatment injury; and general accidents at home or in the community.

I will make some general comments with respect to the NIIS and the implementation of the NDIS. As I said, the motor vehicle accident arrangement has already been passed by the House. I highlight some of the comments the shadow Treasurer made in his contribution to the House on the NIIS with respect to element 1. He outlined the concerns we had at the time and continue to have. At the time the shadow Treasurer, the member for Indooroopilly, said—

From the outset, I would like to place on record the LNP's support for the National Injury Insurance Scheme. It was an LNP government that signed the intergovernmental agreement in relation to the launch of the NDIS. It was the LNP which funded the $868 million to help roll out the NDIS here in Queensland. It was the LNP government that signed the heads of agreement between Queensland and the Commonwealth on the NDIS, and it was the LNP government that agreed in principle to the national benchmarks for a National Injury Insurance Scheme.

As we said at the time—

However, we do not believe the government has adopted the best model for the NIIS here in Queensland.

As we indicated at the time—

The government's preferred model is more expensive, does not satisfy certain loopholes in relation to lump sums and minimum national benchmarks, and ignores the advice of the vast majority of people who presented to the various committees throughout the inquiry process.

There were two options—option A and option B. Through the NIIS inquiry process, option A, a lifetime care and support scheme, came at a cost of $60 per vehicle and option B, the hybrid scheme, came at a cost of $76 per vehicle. We note the concerns raised at the time that all stakeholders and groups opposed those particular elements of option B, which was the hybrid scheme which the government eventually endorsed. There were only two groups that endorsed the government's option B. As I said, all the disability support advocate groups and social services groups opposed the

government's option B proposal. They all wanted option A, but there were two groups in Queensland that did support the government's hybrid scheme—Maurice Blackburn Lawyers and the Australian Lawyers Alliance.

Mr Krause interjected.

Mr BLEIJIE: I take the interjection from the honourable member for Beaudesert. As I said, all stakeholders including all the social services and the disability groups opposed option B, which was the government's preferred option. Two stakeholders—independent stakeholders, I could suggest cheekily to the parliament, Maurice Blackburn and Australian Lawyers Alliance that represent the plaintiff lawyers across the state—preferred option B because of course it allowed all the common law claims and all the benefits that come with being a plaintiff lawyer.

If we look at the options at the time, option A, which was preferred by the LNP, was also preferred by Spinal Life Australia, Queensland Advocacy Inc., Headway Gold Coast, the Centre for National Research on Disability and Rehabilitation, Young People in Nursing Homes National Alliance, the Insurance Council of Australia, the RACQ, Suncorp, QBE, the Royal Australasian College of Surgeons and the Queensland Paediatric Rehabilitation Service. As Russell Nelson of Headway Gold Coast put it—

Certainly 75 per cent of initial views were that we should go option A. However, the government has chosen option B.

As I said, Australian Lawyers Alliance advocated quite strongly for option B.

As I indicated before, the bill has four broad policy objectives which amend the Workers' Compensation and Rehabilitation Act: firstly, to ensure that workers who suffer serious personal injuries as a result of workplace accidents in Queensland receive the necessary and reasonable treatment, care and support payments regardless of fault, and of course we are entirely satisfied and happy with that occurrence; and, secondly, to provide self-insurers with greater flexibility in choice, which the LNP supports. With regard to the third item, in light of the court judgement in Byrne and People Resourcing (Qld) Pty Ltd, commonly referred to now as the Byrne judgement, and Simon Blackwood against Colin Hinder relating to reverse contractual arrangements between the principal contractors and subcontractors with respect to fault, we do have concerns and issues with that which I will get into in a moment. The fourth element to the bill is to prevent financial hardship for injured workers by providing for an alternative indexation method for statutory compensation and common law damages entitlements, and we have no concerns about the fourth element.

The committee that reviewed the bill, the Education, Tourism, Innovation and Small Business Committee, could not agree that the bill be passed but made three recommendations. Both government and non-government members made statements of reservation. I commend the work of the non-government members on the committee through their thorough examination and understanding of the bill, particularly the deputy chair, the member for Broadwater, who I suspect will be speaking shortly on this bill.

All committee members on the non-government side should be commended for their interpretation of the bill, their understanding of the issues at hand and their statement of reservation because there are serious concerns—more serious after I just heard the minister speak—with respect to one particular issue which I will get into a little further. Members in this House should be even more concerned and should read the statement of reservation from the LNP members before they vote on this bill today. As I said, it was a good statement of reservation and I quote parts of it because it succinctly outlines the concerns the LNP has particular to one element of this bill. We will not be supporting the changes that reverse the Byrne judgement of 2014 in contractual arrangements between principal contractors and subcontractors with respect to fault. The committee statement of reservation says that it will be not only opposing it but also voting against it in the provisions of the bill.

With respect to the NIIS model, as outlined by non-government members on the committee, the LNP does not support the adoption of the hybrid model which has been adopted by this government. As I indicated before, the Australian Lawyers Alliance does get very excited by a hybrid model because its members make more money out of these arrangements. During the initial inquiry on the NIIS bill and with reference to which model would be the best and subsequent inquiry into the bill, as I said, stakeholders and disability support service providers highlighted their very significant concerns about the hybrid model, which allowed lump sum payments as opposed to the lifetime care and support model, and the impact this could have on catastrophically injured Queenslanders.

Before I get to the issue of the Byrne judgement, I want to highlight a couple of statistics, because this minister responsible for the workers compensation rehabilitation legislation claims the high moral ground for the Labor Party dealing with workers in this state, but the LNP made many reforms with respect to workers compensation. We invested substantially more money in things like workplace health

and safety, particularly with respect to victims of asbestos. We gave money to the organisations that advocate on behalf of asbestos victims. We also engaged and put on the agenda the quad bike safety reviews that were happening and the serious issues with quad bikes. I remember going out to Roma and inspecting some of the new inventions with quad bike vehicles to ensure that we could keep Queenslanders safe, particularly those in rural and regional Queensland working on farms because the number of quad bike fatalities is far too great in this state.

Mr Krause: Presumptive legislation.

Mr BLEIJIE: I take the interjection from the member for Beaudesert about the presumptive legislation with respect to firefighters and rural firefighters in this state. With the LNP in government, Queensland workplaces became safer. Despite our changes, the Labor Party and this minister claim—this minister was not here in the last government; she spent a little time in the wilderness tracking for a period of time, but she is back—now that—

Mr Rickuss: She had a bit of a sabbatical.

Mr BLEIJIE: I take the interjection from the member for Lockyer. The Minister for Employment claims that the Labor Party is the best friend of workers in this state. However, she needs to look at the statistics. I note that the departmental officials sitting over there will be able to get these statistics, bearing in mind they were the ones who prepared this document titled 'If you're a worker in Queensland we've got you covered'. That was the LNP document dealing with the Queensland workers compensation scheme. That document states—

The strong focus on safety has seen Queensland record an 18.9 per cent reduction in incidents of serious work related injuries over the most recent five-year reporting period.

There has been nearly a 20 per cent reduction in serious work related injuries for three out of five years under the LNP government. It continues—

Queensland is the second most improved jurisdiction for serious injury rates in Australia, with high-risk industries seeing significant improvements. Priority industry sectors have seen reductions in the serious injury rate of 21.7 per cent for the agriculture sector, 25.2 per cent for the construction sector, 29.6 per cent for manufacturing—

so nearly a 30 per cent reduction in serious injury rates in the manufacturing sector under the LNP government—

and 22.9 per cent in the transport sector.

Honourable members interjected.

Mr BLEIJIE: For the members of the Labor Party who may not understand workers compensation law and who may not understand the serious injury rates when we are talking about fatalities, it is really childish for them to be interjecting on such an important matter and making categorically stupid interjections on a matter that is quite serious.

Ms Grace: I didn't even hear what he said.

Mr BLEIJIE: I take the interjection from the minister. If he did not hear what I said then he ought not—

Ms Grace: You didn't hear what he said.

Mr BLEIJIE:—interject on matters that he does not know anything about. We are talking about serious workplace injuries. We are talking about fatalities in the agriculture sector and the manufacturing sector—the employment sector. As I said, the LNP took a very serious approach to workplace health and safety. In the LNP's time in government, we saw the largest reduction in the number of serious workplace incidents across the state.

Ms Grace interjected.

Mr BLEIJIE: The minister can interject, the minister can claim all she wants, but the statistics are there. The minister has to have the former minister for IR sitting beside her, helping her out on IR matters. It is her first IR bill, so the member for Woodridge has to sit there and help her out. Of course, he was the IR minister who gave us the highest workers compensation rates in Australia. He was the IR minister and the justice minister who gave us the highest SPER debts in Australia. The member for Woodridge should be ashamed of his record as IR minister. The member for Woodridge could not deal—

Ms Grace: Not as ashamed as you have been.

Mr BLEIJIE: I am proud of the fact that we have the lowest workers compensation premiums in the country. I am proud that we did it in three years. I am proud of the fact that we have had nearly a 30 per cent reduction in workplace incidents, particularly in the manufacturing sector, and a 21.7 per cent reduction in the agricultural sector. As I said, those statistics were prepared by the department. I

am sure the minister, in her reply, will be able to back those figures, because those statistics are from a document prepared by the department of industrial relations when the LNP was in government. I now table that document. The minister may care to have a look at that.

Tabled paper: Document, undated, titled, 'If you're a worker in Queensland we've got you covered' [1399].

Another document, titled 'If you're an employer in Queensland we've got you covered' refers to the changes to workers compensation. This bill that is being debated today will have an impact on workers compensation premiums in the state. This document states that, as a result of the changes, the average premium rate paid by employers for the 2014 period has now been reduced to $1.20 per $100 of wages and that this represents a 17 per cent reduction for employers and will give Queensland the lowest average premium rate in Australia.

The lowest average premium rate in Australia was achieved under an LNP government, not a Labor government. As the government changes those policies, as it lets unions back on to worksites, as ministers do not intervene in matters of public importance—particularly with respect to the financial affairs of the state and taking an economic interest particularly in the Commonwealth Games construction site—when all of those matters are taken into account, that puts extreme pressure on our workers compensation scheme in Queensland.

This bill, particularly with regard to one amendment, which I will talk about, will also have a dramatic increase on the workers compensation scheme in Queensland. The Byrne amendment has been highlighted by the parliamentary committee and, as I said, by the member for Broadwater in her statement of reservation. Clause 5 of the bill deals with the Byrne amendment. In a nutshell, it has been the long-held view in Queensland law—and everyone in the industry knew this was the case—that a principal contractor could, by contract, negotiate with subcontractors in terms of workers compensation and if an employee had an issue then the subcontractor would have the workers compensation policy and the payment to the worker would be paid from the workers compensation policy. That determination of Byrne was challenged. The Supreme Court held that the long-held view in the industry was correct—that a principal contractor can negotiate with a subcontractor, for example, and they will have no fault with respect to the law.

The minister has now introduced legislation to reverse that. It has been long-held law in Queensland. It is everyone's interpretation of the law. All the principal contractors knew it.

Ms Grace: Maybe under you.

Mr BLEIJIE: It was not under us. We did not make changes to it. It has always been the view. The Supreme Court then confirmed that view. Now, the government has come in with this amendment to change the meaning. It is particularly concerning that in the explanatory notes, where it refers to all the consultation that the minister had, the Housing Industry Association of Queensland is mentioned. There were industry round tables set up with the HIA. However, in the committee hearings, both the HIA and Master Builders Queensland said that this element of the bill took them completely by surprise. They did not know about it. The minister consulted with the industry through a round table, but Master Builders Queensland and the Housing Industry Association of Queensland were not consulted with respect to this particular amendment, which impacts greatly on their members. It can have the reverse effect to what the minister is trying to achieve.

The minister says that this amendment is all about the workers. As I said, it has been a long-held view that the principal contractors will not be held liable if they have entered into a binding contract with subcontractors or anyone else. That has been the long-held view. If the minister takes out this provision, principal contractors do not have WorkCover compensation policies. We will have the situation in which the bill will pass and there will be principal contractors without insurance policies, so the workers will not be covered as much as they are covered under the current situation.

It is particularly concerning that in the last five minutes of her presentation to the House the minister noted the committee's recommendation. Even the committee had reservations with respect to this particular amendment. The committee could not reach agreement that the bill be passed. The government put in a statement of reservation saying, 'We think that the Byrne amendment in the bill should be passed. However, we really need to consult with industry third parties, WorkCover and the building industry.' The minister has just confirmed that she is going to have that consultation. Why did the minister not consult with the building industry before the bill was introduced?

Ms Grace: It has already happened. You're misleading the House.

Mr BLEIJIE: I take the interjection from the minister. She says that it has already happened and I am misleading the House. Were Master Builders Queensland and the Housing Industry Association misleading the parliamentary committee when they said that the first they heard of it was when the bill was introduced into parliament? Who is misleading? Is it the minister misleading the parliament or is it the Housing Industry Association, or is it Master Builders Queensland?

I take that interjection where the minister said that I was misleading the House. She said that the consultation has already happened, yet 10 minutes ago the minister stood in here and said, 'We will have consultation pursuant to the committee recommendation.' I am confused. Who has been told what? Who has been consulted? Who knows what? What is going on? This bill overrides the Byrne decision in the Supreme Court. The minister has just acknowledged that she will consult with industry now, but then through an interjection she says that it has already happened. In her reply, the minister has to be clear with the House. Did the consultation occur with respect to the Byrne amendment? I take that little smile as a no and as a gotcha. Was the Housing Industry Association specifically consulted on this amendment? Was Master Builders Queensland specifically consulted on this amendment? The committee report states—

> The Explanatory Notes state a Stakeholder Reference Group ... was established. The ... HIA was listed as a member of the SRG. At a public hearing on July 18, when asked about consultation, HIA Executive Director Warwick Temby confirmed that the SRG was not consulted on the Byrne issue.

He stated—

> There was consultation on the NIIS aspects of the bill, but absolutely none on the Byrne issue.

I repeat—

> There was consultation on the NIIS aspects of the bill, but absolutely none on the Byrne issue.

The report states further—

> In their submission and at the same hearing, Corlia Roos, of Master Builders' Queensland (MBQ) indicated the first MBQ had heard about the proposed changes was upon the introduction of the bill.

She stated—

> We have not been consulted on the bill, on the drafting of the wording or on the bill itself, until it was posted on the parliamentary website.

We have the industry group saying that it was not consulted. We have the parliamentary committee saying that there should be further consultation. We have the non-government members on the committee saying that this clause should not go ahead until that consultation has occurred. We then had 10 minutes ago the minister standing in this place saying that she will consult and then in an interjection saying that consultation has already happened.

The minister has to end the confusion. She has all the answers to this question. She can tell us all who was consulted and on what provisions of this bill they were consulted. If it is the case that these groups were consulted, the minister can take particular actions with respect to misrepresentation to parliamentary committees.

I quoted directly from these particular organisations that said that they were not consulted on the Byrne amendment itself. It also has to be noted that, when pushed in the departmental briefing on the extent of its consultation, representatives from Queensland Treasury indicated that they did not give consideration to whether MBQ should be included in the consultation on the draft bill. The departmental officials cited discussions had pre 2010 which included Master Builders Queensland. We have a bill introduced in 2016 and the department says there were some discussions held pre 2010 which included Master Builders. I suspect the discussions in 2010 did not involve the Workers' Compensation and Rehabilitation (National Injury Insurance Scheme) Amendment Bill 2016.

It also shows a blatant disregard on behalf of the government, a snubbing of a major stakeholder and demonstrates the continued arrogance of this government. Further, department officials indicated, when pressed by members on the committee about this particular issue and lack of consultation, that they did not want a room full of people to work through some of these issues. A flippant response, I suggest, which smacks of arrogance if ever I have seen it. We believe that this bill and significantly reversing the Byrne judgement hurts those who this government claims to represent the most—workers. It has been standard industry practice for a number of years that principal contractors would include clauses that this bill seeks to nullify, known as the harmless clauses. The effect of these clauses is to ensure who is responsible for an injured worker on a construction site and how they are to be insured. The Byrne judgement validated this longstanding industry practice and the validity of those clauses. As I said, the Master Builders have expressed significant concern with respect to this element of the bill, and I quote—

> Again, I wish to point out that, at the root of this issue, is the fact that principal contractors and host employers, including group training organisations that employ apprentices specifically, are all excluded from WorkCover coverage. Hence we now have this very complex situation where, if an injured worker of a subcontractor on a site makes a common law damages claim against both his own employer and a principal contractor, that claim, as far as the principal contractor is concerned, sits outside of the principal contractor's, or host employer's, WorkCover policy.

We are actually damaging the worker, particularly those on work sites, with these amendments. We should not be passing legislation or particular clauses of legislation where the minister says, 'Let's just pass it today and we will worry about it later.' Has the minister not heard of unintended consequences? Has the minister not heard of rushing legislation without any consultation? These industry groups and stakeholders, having now consulted through the committee process, being engaged by the committee not the minister, have major concerns in relation to this particular reform. The minister simply flippantly says, 'We will worry about it after the bill passes.' 'Let's get the bill passed,' she said, 'and then we'll talk to industry and stakeholders.' That is not how to approach this particular issue.

This is a significant issue because if one looks in the explanatory notes with respect to how much this will cost, it is indicated that it will not cost the government anything. With an anti-business, anti-jobs government, who does it always cost? Let me quote page 4 of the explanatory notes where it says—

> The legislative amendment to reverse the effect of the *Byrne* decision and prohibit the contractual transfer of liability from principals to contractors will save WorkCover Queensland an estimated $40 million per annum.

If it is saving WorkCover Queensland that means it is costing businesses $40 million. As if the Labor government are going to save a government agency $40 million and not pass it on to someone! If you have an anti-business, socialist government in Queensland where is the fee going to be passed on? It will be passed on to businesses that can least afford it. We currently have a situation that is fair and reasonable. Contractors can negotiate and enter into discussion with respect to those particular provisions. We will be opposing clause 5 of the bill which reverses the Byrne amendment. We do not think it is fair. We do not think it is good practice to pass a provision in this bill that I do not think the minister really even understands. She does not understand the unintended consequences of this amendment.

I will put it as simply as I can: the minister has introduced a bill into this House which contains a small provision of only a paragraph or two, but sometimes those paragraphs, as small as they are, have severe unintended consequences—or is it an intended consequence? Perhaps the government knew exactly what it was doing and this is an intended consequence of its legislative amendment. The minister introduces this bill and puts on page 7 of the explanatory notes that they are going to amend the meaning of damages to the effect of reversing the Byrne decision. Then it is confirmed through the committee process that no consultation occurred on that particular part of the bill. Then the minister says in parliament that she will consult after the bill goes through, but then says that consultation on those provisions has already occurred. There is so much confusion around that. I put it to members that that is because the minister does not understand this portfolio responsibility and how it operates. I can understand the minister may know the industrial relations framework from a union perspective, being a union heavyweight herself.

Ms Grace: You bet, and I'm proud of it.

Mr BLEIJIE: I know you are proud of it. That is why I said it. I take the interjection of your motivation for these types of bills. I submit to the House that the Minister for Employment does not quite get the business side of these legislative amendments, does not quite get the unintended consequences, but certainly understands the union imperative for these provisions. She certainly understands where her bread is buttered in terms of the union movement in Queensland.

We have a situation where the minister has not got a clue of the unintended consequences, we have a situation where she is receiving advice from the member for Woodridge who did not understand industrial relations policy and gave Queensland one of the highest rates of workers compensation fees and taxes. He was very proud of that. As I said, we have a minister who does not quite get it. I thank the non-government members of the committee and look forward to the debate ensuing. We will be opposing clause 5 of this bill for the reasons, firstly, that it is not good policy and, secondly, we think the provisions should be deferred until proper consultation has occurred with industry about the unintended consequences. I want to know from the minister who she specifically consulted about the Byrne amendment. She confirmed in an interjection that consultation did take place.

Ms Grace: No, I did not confirm it.

Mr BLEIJIE: Yes, you did. Hansard took the interjection. It is all on record. I made a particular allegation that the minister has not consulted with respect to the Byrne amendment. The minister interjected. All of that happened. If the minister does not want me to take interjections she ought not open her mouth and give the interjection in the first place. We know how interjections can sometimes get you into trouble. Sometimes it is best just to sit there and not say anything. It is all on the parliamentary record. I can imagine down on level A of the old building the ministerial advisers will be coming up with the excuse of why the minister said that, why she did not say that. They will be shaking their heads and preparing her little speech and giving everyone a great explanation as to why she said what she said in the parliament.

I look forward to that because it does need an explanation. I do not care what sort of explanation it is; I just want any form of explanation as to what she said. It is pretty clear. It is pretty easy. On this side of the House we want to know why the industry, Master Builders and the HIA were not consulted on the Byrne amendment, what are the unintended consequences of the Byrne amendment and why are they going to consult with industry after they pass the legislation. I would have thought one would consult prior to the amendments taking place rather than pass legislation and then consult with the industry after it. It is too late to consult with the industry after the fact. Why bother standing in this place wasting everyone's time saying, 'I am going to have these discussions with the industry,' when the bill is being debated now? Why even bother having the amendment?

When this minister consults with industry—well, I doubt she does consult with industry. I can assure the House that, if members look at her ministerial diary, they will see a lot of meetings with unions but not too many with business groups. We know what the CCIQ thinks of the Treasurer.

Mr Costigan: Not much.

Mr BLEIJIE: Not much; I take the interjection from the honourable member for Whitsunday. We know what the CCIQ thinks of the Treasurer. I do not think I have seen a time in Queensland when the major small business group in Queensland has all but given a vote of no confidence in the state's Treasurer. It does not give you too much confidence for businesses in this state going forward, when at this juncture the man responsible for the state's finances, for giving businesses a leg up in this state and for making sure that investors and so forth come to Queensland, does not have the confidence of the business community. That is telling. Knowing the CCIQ and other groups as I do and knowing how they operate, I know that it would have taken a long time for them to decide to make those public statements. Like all organisations, they understand that they have to work with governments of all political persuasions; they have to work with everyone. Therefore, for the CCIQ to publicly condemn the Treasurer is quite telling of this government in general.

As I said earlier, when we come to consider the particular provisions in detail I will talk more about the Byrne amendment. We want to know about the $40 million that WorkCover will be saved. Where will that money go? Who will be required to pay that $40 million? Is that going to be put on industry now? I ask the minister, once this amendment goes through, what has industry been told will be the liabilities of principal contributors? How will one principal contractor take out insurance, considering that, until this amendment goes through, they do not have to do that? After this bill goes through, I would love to be a fly on the wall when the minister sits down with the major principal contractors, the HIA and the Master Builders, possibly next week—we do not know when it will be, but she has said she will consult with them—and says, 'Look, fellows and women, we have passed this amendment. It will cost'—

Mr Cripps: You should ask to go along.

Mr BLEIJIE: I take that interjection. I would love an invite. This is a consultative government. Members will remember that they said they were going to be a consultative government. In fact, when the minister introduced this bill I recall that she saw me in the hallway on level 5. She pulled me aside and said, 'Whatever you need to know about the bill, let me know and we will assist.' I take up that invitation, although I did not want to know too much about the bill because I understand it more than the minister. However, I would love to be in the meeting that the minister will have for further consultation. Just for humour, I want to tag along and hear the explanation.

If we role played this, this is how it would unfold: the minister would have the big round table with the stakeholders, the HIA and the Master Builders. They would be very courteous and pleasant. The water and the cups of tea would be out. The minister would engage in discussions, saying, 'We passed this bill last week.' The Master Builders and the HIA would say, 'Yes, Minister. We see you passed the bill. We did have concerns that we weren't consulted. We note that you said we were consulted, but we weren't consulted. It is going to cost our industry approximately $40 million. Minister, how do we explain to our members about this provision?' The minister would reply, 'It's okay. We are consulting on this particular provision now. Before any issues or unintended consequences come about, we will consult.' Then the Master Builders and the HIA would assume that, based on their feedback, the minister will come in here and amend this provision. I cannot see that happening.

As my good friends the members for Whitsunday and Hervey Bay would know, they have tag-along tours on Fraser Island and up in the Whitsundays. I want to join the tag-along tour, with the HIA and the Master Builders, to Minister Grace Grace's office. I want to hear the Minister for Employment explain to those in the industry how they are now going to cover the cost of the $40 million changes to workers compensation because of an amendment moved in this House on which they had no consultation.

Let us be serious: consulting after the event is too late. This minister is paying lip service to the industry. The minister knows that she and her department did not consult with the industry. The minister knows she should have consulted with the industry. The minister knows it is all too late now. The

minister knows that they are locked into this provision. The minister knows that her preselection is reliant on the support of the union movement in Queensland. Interestingly, if anyone wants to look at the influence of the union movement in Queensland, they ought to look at the recent ECQ returns for the Australian Labor Party's Queensland division. They will find hundreds of thousands, indeed, millions of dollars from the Queensland union movement to the Queensland Labor Party. That is not exerting influence; that is owning and buying the influence of the Labor Party. There were also a couple of donations from Maurice Blackburn Lawyers. No doubt they have no interest in the common-law provisions of this particular bill, either.

Ms GRACE: I rise to a point of order. I know that the member for Kawana cannot hold a policy debate for any more than one minute, but can I claim relevance and bring him back to the main substance of the bill?

Mr DEPUTY SPEAKER (Mr Millar): There is no point of order. You may continue, member for Kawana.

Mr BLEIJIE: There might not be a point of order, but I take the interjection anyway. The minister claims that plaintiff lawyers have nothing to do with the workers compensation bill before the House. If I asked the shadow Attorney-General whether lawyers have anything to do with workers compensation law in the state of Queensland, I suspect the answer would be quite a lot, considering they made submissions to the parliamentary committee inquiry on these particular provisions of the bill.

The Byrne amendment is bad policy. It is bad policy to say that you are going to consult after the fact. As I said, the LNP does support the NIIS. We were the ones who signed the contract. We were the ones who handed over $800 million and signed the agreements for the NDIS and the NIIS. We understand that. However, in terms of the implementation of the plans and the policy, there is a fundamental difference between how the Labor Party wants to implement that policy and how the LNP wants to do it.

As I have said, the HIA is concerned about these particular provisions. As part of the inquiry process, on 7 July the HIA's Warwick Temby wrote to the research director to express concerns about these particular provisions. He stated—

... the approach taken in the Bill ignores the fundamental principal behind workers compensation being a no fault insurance scheme, by laying part or all of the responsibility and cost of a workplace injury onto a business via a recovery action by the workers compensation insurer, typically against the business' public liability insurance.

They appreciated the opportunity to comment on the bill, although only through the committee process and not through the minister. They did not comment on the NIIS, but they did say that they have concerns with the provisions of the bill that 'will void contractual indemnities provided between businesses about the liability for injury claims'. I look forward to returning after dinner to continue the debate.

Debate, on motion of Mr Bleijie, adjourned.

Mr BLEIJIE (Kawana—LNP) (7.35 pm), continuing: Prior to being rudely interrupted by the dinner break I was talking about the LNP's support for the majority elements of the bill and highlighting some of the major issues behind the bill; however, the dinner break did give me an opportunity to say hello to the former member for Brisbane Central, Mr Cavallucci, who was in the parliamentary precinct tonight. Hasn't Brisbane Central gone downhill since Mr Cavallucci hasn't been in that seat?

An honourable member: He'll be back!

Mr BLEIJIE: I take the interjection from the honourable member. He will be back and we will once again have great representation for the people of Brisbane Central, particularly with respect to employment and all sorts of issues that currently face the electors of Brisbane Central.

Ms Grace: You are the reason why he is not here!

Mr BLEIJIE: Annastacia Palaszczuk will be the reason you are not here after the election and Jackie Trad will be the reason you are not here after the election; I guarantee you that. I guarantee that the member for Mulgrave will be the reason you are not in government after the next election—

Mr DEPUTY SPEAKER (Mr Crawford): Order! We have all had a bit too much sugar at the dinner break, have we?

Mr BLEIJIE: As I was saying, the LNP always oppose retrospective provisions.

Mr Power interjected.

Mr BLEIJIE: I would take your interjection but I frankly do not know who you are, so I cannot take your interjection, I am sorry. So insignificant is your contribution to this place that I do not know who you are. I am sorry, but I cannot take your interjection. I would love to, and members on this side of the House—

Ms GRACE: I rise to a point of order. Mr Deputy Speaker, I ask you to rule on the issue of relevance. That is also unparliamentary speech and the member should withdraw on the basis that it is unparliamentary. Can we bring the member back to the essence of the bill?

Mr WATTS: I rise to a point of order. If a member interjects and the interjection is taken, surely that will then be relevant. If not, the member should not be interjecting.

Mr DEPUTY SPEAKER: There is no point of order.

Mr BLEIJIE: The LNP will oppose retrospectivity. As I indicated with respect to clause 5 of the bill dealing with the $40 million which will go from WorkCover to the private sector, not only do the explanatory notes indicate that the government will be reversing the decision in Byrne; they are going to make it retrospective. The explanatory notes state—

The Bill provides that the amendments to reverse the effect of the decision in *Byrne v People Resourcing (Qld)* ... will apply to a claim for damages started before the commencement of the amendment provisions ...

We have the absurd situation of the minister saying that she will now consult, based on the committee's recommendation 3. The minister said—it will be in *Hansard*—that she accepts committee recommendation 3 and she will go and consult with the industry. That provision is retrospective. As soon as this bill receives royal assent and the act commences, these provisions will not only start; they will apply retrospectively. Proceedings that have commenced but have not been finalised will be subject to the provisions of this legislation. Then the minister says that she is going to consult and try to sort it out later. It is too late. The provisions will have already started. Not only will they have started; they will be retrospective.

These retrospective provisions are repugnant. The LNP has always opposed retrospective provisions. We opposed them last week in relation to other legislation—the vegetation management bill, for instance—and we will always oppose them. Those in the Labor Party say that they are against retrospectivity; they just happen to include it in nearly every bill they introduce to this House. That is a problem.

Ms Grace interjected.

Mr BLEIJIE: I understand about retrospectivity, Minister. Ordinarily in our system of government the provisions of an act commence when a bill gets royal assent. Then the new laws apply. Retrospectivity is when the laws apply retrospectively—that is, before the act commences. It is unfair, because the law of the land is the law of the day and retrospectivity changes that.

People in particular situations, particularly principal contractors, are not required to have this level of insurance at the moment. They are not required because the Supreme Court has confirmed that they are not required to have it, but this bill says that not only should they have it but also they ought to have had it back then. It is not fair, and the minister should delete this particular provision of the legislation. We will be opposing clause 5. I indicated before the dinner break the reasons we will oppose it. It is not only because of its retrospective nature but also because it is so uncertain. It is uncertain for industry. It is uncertain whether the $40 million will be passed on to industry. It is uncertain what industry consultation has occurred with respect to principal contractors and the level of cover they ought to have after this bill goes through. Nothing has been sent to the industry to indicate how these changes will impact on them.

The minister keeps talking under her breath, interjecting and so on like she has all the answers to all the problems in the world that relate to this particular bill. The minister has confirmed that she will further consult with people. If she had all of the answers she would have got it right in the first place, rather than having to go and consult with people after the event. That is the issue. That is the issue that all members in this House are entitled to speak about.

We understand that from time to time bills need to be amended. When I was a minister I amended bills and former ministers from this side of the House also amended bills, but the minister should at least be up-front about it and say that she got it wrong and is taking the opportunity to change it.

I urge all honourable members, particularly those on the crossbenches, to oppose clause 5 to delay this particular provision until such time as the industry has had proper consultation. They can properly assess how it will impact on their business. No doubt all members opposite, like lemmings going over a cliff, will vote in support of the minister's amendment tonight, not realising and understanding what they are voting for. The speaking points told them what to say and to vote for it, so they will go ahead and do it, like lemmings over the cliff. We expect that. I do hope those on the crossbenches—

Mrs LAUGA: Mr Deputy Speaker, I rise to a point of order. I find it personally offensive that the member for—where is—

A government member: Kawana.

Mrs LAUGA: Kawana. That is right; I forgot. I find it personally offensive that the member for Kawana is alleging that we are lemmings. I assume this is unparliamentary. I take offence and I want him to withdraw.

Mr BLEIJIE: I never referred to the member, Mr Deputy Speaker.

Mr DEPUTY SPEAKER (Mr Crawford): Member for Kawana, you have been asked to withdraw.

Miss BARTON: On the point of order, Mr Deputy Speaker. The standing orders of this House state that if a member finds something personally offensive and asks for it to be withdrawn it is courtesy that it is done; however, no personal reflection was made. If one wishes to make a reference to a collective, that is not a personal reflection that can be withdrawn.

Mrs LAUGA: On the point of order, Mr Deputy Speaker. The member for Kawana referred to 'all you lemmings over there'.

Miss Barton: It is collective, not individual.

Mrs LAUGA: I take that as a personal reflection and I consider it unparliamentary.

Mr DEPUTY SPEAKER: Thank you, member for Keppel. We have had rulings on this before. There has not been any particular reference. I am happy for the member for Kawana to continue. I will caution you, member for Kawana, that that was pretty close.

Mr BLEIJIE: Thank you, Mr Deputy Speaker. The incompetence of all members opposite in the Labor Party in dealing with these issues knows no bounds. They do not understand the elements of this legislation. They do not understand the negative impact the legislation they will pass tonight will have on businesses in their electorates.

I was recently in the electorate with the honourable members for Albert and Gaven at a business forum. We talked at that business forum about all sorts of things including workers compensation and the changes the LNP government made. It was a very good audience—independent business operators and small business owners who were very appreciative of the fact that the LNP stood up for them in government.

Ms Grace: These are the ones you are hurting: small business.

Mr BLEIJIE: If ever there was an interjection I should take, it is that one. It has been alleged by the minister that the LNP is hurting small business in this state. Last week the CCIQ said that this is the most anti-business government it has ever seen. It said that it has no confidence in the Treasurer of the state of Queensland. This bill is brought forward by the Minister for Employment, who is under the proviso of the Treasurer of the state, and the peak small business group essentially said that it has no confidence in the Labor government of Queensland. The minister has the hide to allege tonight that the LNP is not business friendly! Do I have to table the CCIQ press releases or the transcript of the interview of the CCIQ's Chief Executive Officer, Nick Behrens, by Steve Austin from the ABC? He basically said that the CCIQ has no confidence in the Treasurer of Queensland. I have never seen—

Mr Costigan: Unprecedented.

Mr BLEIJIE: I take that interjection. It is unprecedented from a small business group. The Minister for Employment has the hide to say that the LNP is the anti-business party in this state! That is a complete joke and a complete misrepresentation. I tell the minister one thing: the CCIQ is not out there saying that Scott Emerson is the most incompetent shadow Treasurer it has ever seen. It is not out there saying that the LNP is anti business. The CCIQ is not out there saying that shadow ministers are anti business. It is saying that the Labor government is anti business—not friends of the business community. The minister may put her hands on her head. I would be so ashamed that I would put my head in my hands if the business community was saying that stuff about me. I would take cover. I would try to get under the table as well. That is not a record I would be happy to have. That is not a record I would want if I were the treasurer of this state or the minister for employment. I would not want the peak business group saying that it had lost confidence in me as treasurer. If the business community has lost confidence in the Treasurer, it has lost confidence in the government of the day.

Ms GRACE: Mr Deputy Speaker, I rise to a point of order. I think the member for Kawana has had enough leeway. Can we please bring him back to the essence of the bill? What we have heard over the last few minutes is nothing short of a diatribe. I ask that you rule that he come back to the essence of the bill.

Mr DEPUTY SPEAKER: Member for Kawana, I have been listening with much interest. I think at times you have been straying a bit too far. I advise you to stay on track with the bill.

Mr BLEIJIE: Thank you, and I appreciate that, Mr Deputy Speaker.

Mr RYAN: I rise to a point of order. Mr Deputy Speaker, I seek your ruling on the practice of this House when points of order are made and whether the member with the call has to resume his seat while those points of order are made. I have noted on a number of occasions that the member for Kawana has remained on his feet during the making of the point of order and I seek your ruling for purposes of future practice.

Mr DEPUTY SPEAKER (Mr Crawford): Member for Morayfield, it is generally the practice for a member to resume their seat. However, it is normally up to the chair to direct them to do so if he or she chooses. Were there any other points of order? If not, I call the member for Kawana.

Mr BLEIJIE: As I was saying, the bill does have an impact on the business community because the principal contractors will be paying the insurance that WorkCover is currently paying, so it is quite relevant to the bill with respect to the retrospective provisions for the business community. The Minister for Employment may make points of order with respect to what the business community has to do with workers compensation, but those in the business community pay the workers compensation based on the number of employees they have. It is pretty relevant for a business community to have some input into workers compensation regulation and policy in this state because it is funded by the business community. If you do not have the business community, you do not have them paying the workers compensation tax and you do not have the employees—the workers—covered for workers compensation. There is a pretty good link between the business community and workers compensation policy in this state. The minister talks about diatribe. If members want that, wait a couple of hours for the minister to get up and respond and then they will hear it all.

I made the point earlier that the LNP were the ones that signed up to the NDIS. We signed up to the NIIS. We committed over $800 million to make sure the NDIS and the NIIS are happening and we signed the contracts to get this going in the state of Queensland. We did that under the great work of my parliamentary colleague the member for Aspley when she was the minister and now we are holding the government to account with the member for Mudgeeraba in that shadow ministry. I congratulate them because if not for particularly the member for Aspley's tireless work in government we would not have the NDIS and the NIIS as we do now. I congratulate them for that.

Throughout the process, as I said, we support predominantly the majority of the bill dealing with the NIIS because it was LNP policy to implement it. We do have a differing view of how it shall be implemented. The government has taken a particularly different view, as was outlined by our shadow Treasurer when the motor accident legislation went through the House and it is still relevant to this particular debate with respect to catastrophic injuries at work. However, we do not support clause 5 of the bill which deals with the retrospective nature of the principal contractors. It has been well known throughout the law in Queensland that that was the law. It was confirmed by the Supreme Court of Queensland and that is all being undone and overturned because of this Labor government and this minister. I would urge all honourable members to oppose that particular provision but support the rest of the bill.