




Speech By  
**Linus Power**

**MEMBER FOR LOGAN**

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

 **Mr POWER** (Logan—ALP) (5.03 pm): I rise to support the amendments in the Workers' Compensation and Rehabilitation (National Injury Insurance Scheme) Amendment Bill 2016 that implement the National Injury Insurance Scheme for workplace accidents within Queensland's workers compensation scheme. Many in this House are very committed to looking after those most vulnerable in society, especially the disabled. I remember in the 2012 election campaign I did a lot of work going door to door speaking to the electors of Logan. I know the result at the end of that period was not good, but I learnt so much from that process. One of the most important things that I learnt about going door to door was from speaking to those whose family members were disabled or had suffered catastrophic injury and how that had affected their lives.

I would like to bring one case to the attention of the House. When I was doorknocking an elderly woman invited me in. She said, 'You have to meet my stepdaughter.' She had married a gentleman who was divorced and had a severely disabled daughter. It was not her intention to care for a daughter who was severely disabled. However, she stepped in as the stepmother and it had been the most meaningful part of her life to look after this young woman. I met the young woman who had very limited mobility and communication skills and lay in their lounge room unable to stand up. This is a great project that I think members of the House will be very proud of in years to come. Whether people have become disabled through birth, accident or workplace injury, through these mechanisms we are strengthening this state's care of our most disabled.

I seek the indulgence of the House to congratulate the new member for Toowoomba South. I notice he put quite a lot of thought into what he felt was his philosophy and I welcome his contribution. He noted that our market economy, though it has many strengths, has to be rebalanced in order to look after those who are disabled and some others in our society. I thought it was really important that within his maiden speech he took the time to note that our market economy, with all of its strengths, needs to be rebalanced to look after the disabled.

I am also glad that he mentioned other Toowoomba residents—the Nigerians, the Muslims, the Syrians—and the diversity of the Toowoomba community. I did notice that he failed to mention the Queen or Kate and Will, which was on the official LNP checklist. I hope that that will not be drummed into him by the member for Kawana and that he will not be up there speaking about the King and Queen next. I hope this is not the last time that he speaks about genuine Toowoomba residents, especially those who are disabled and need the help and aid of this community.

This bill is the next stage in a process of significant social reform which includes the establishment by the Palaszczuk government of the National Injury Insurance Scheme Queensland for motor vehicle accidents, which of course we know commenced on 1 July 2016. These amendments fulfil the Queensland commitment to the Commonwealth to implement the National Injury Insurance Scheme for motor vehicle accidents and workplace accidents. I want to specifically demonstrate to members how this bill relating to workers compensation complements the recently passed measures for motor vehicle accidents.

The National Injury Insurance Scheme is a companion scheme to the National Disability Insurance Scheme and will have a significant positive impact on the lives of Queenslanders who sustain life-changing results as a result of their work. The National Injury Insurance Scheme is proposed to operate as a federation of state and territory based insurance schemes with national minimum benchmarks ensuring consistency across jurisdictions for coverage, eligibility, level and structure of benefits and, of course, the standards of care.

The amendments in this bill align with the national minimum benchmarks for workplace accidents unofficially agreed to by all the states and territories. These minimum benchmarks are largely consistent with the agreed national minimum benchmarks for motor vehicle accidents. Given the nature of Queensland and our state's role within the Commonwealth, they are subject to some jurisdictional differences. The design of the National Injury Insurance Scheme for workplace accidents in Queensland paid heed to the recommendations of the Education, Tourism, Innovation and Small Business Committee's report on its inquiry into a suitable model for the National Injury Insurance Scheme for motor vehicles, in particular the recommendation that the government consider the motor vehicle scheme serve as a platform for other proposed national insurance scheme arrangements in Queensland.

In terms of family history, we can look at what things in our history have shaped our family. My great-great-grandfather was somebody who suffered the kind of disability for which we are trying to make a difference today. Returning to his workplace in a horse and cart, he was run off the road and suffered catastrophic head injuries. At that time, in 1891, the local newspaper thought he would never recover from those injuries, that he would not survive. He did recover, but his behaviour was changed profoundly. He was, indeed, disabled by this accident. This legislation, including the workplace legislation, goes a long way to ensure that we are a very different society today than we were in 1891. If he were alive today, he would not have to suffer the indignities that he suffered before his death in Queensland in 1911. We know that we are a society that treats our disabled, especially those who are injured through catastrophic motor vehicle accidents, with much more dignity.

Consistent with this recommendation, the National Injury Insurance Scheme for workplace accidents adopts a similar model to the scheme for motor vehicle accidents—that is, it extends no-fault statutory treatment, care and support payments to workers who sustain serious personal injuries. Consistent with the motor vehicle scheme, the amendments in this bill also retain the common law rights of seriously injured workers to elect to claim damages for treatment, care and support. This election is subject to consistent legislative safeguards protecting the integrity of the worker's decision to opt out—we do not want workers to opt out when it is not in their best interests—and the adequacy of the common law damages lump sum to meet the worker's future treatment, care and support needs.

Consistent with the National Injury Insurance Scheme Queensland, the insurer must assess a worker's serious personal injury to determine whether the injury meets the applicable eligibility criteria. Also consistent with the National Injury Insurance Scheme Queensland, the insurer may assess a seriously injured worker as being entitled to treatment, care and support payments for an interim period of up to two years or for their lifetime. The National Injury Insurance Scheme would be the first payer to ensure there is continuity of care and not leaving someone with severe or difficult injuries in limbo before they could receive payments.

Consistent with the National Injury Insurance Scheme Queensland, the insurer must review a seriously injured worker's entitlement to ongoing treatment, care and support payments before the end of the interim period. The bill provides that a worker who accepts an award of treatment, care and support damages must wait at least five years before they can apply for additional statutory payments. This is obviously to ensure that someone who receives a significant lump sum does not then use it in a way that is not for ongoing continual care. The specific criteria the insurer must apply to decide whether to take on liability to make additional statutory payments will be developed in consultation with the National Injury Insurance Agency Queensland as well as relevant stakeholders to ensure that similar considerations apply across both schemes.

These schemes and these acts, both the one I have spoken about in relation to motor vehicle insurance and this one regarding catastrophic injury in the workplace, have immense meaning to me. All his life my father worked with the deaf, and it was through his work, his friends and the education of the disabled that I was exposed to disability policy and disabled people. When I spoke to that stepmother and her daughter on the lounge room floor I committed to working towards the NDIS so that they could have greater care to make their lives more dignified. This bill and other acts are a fulfilment of the commitment I made in that lounge room in Regents Park and which I will continue through to the implementation of the National Disability Insurance Scheme. I commend the bill to the House.