Speech By

Mark Boothman

MEMBER FOR ALBERT

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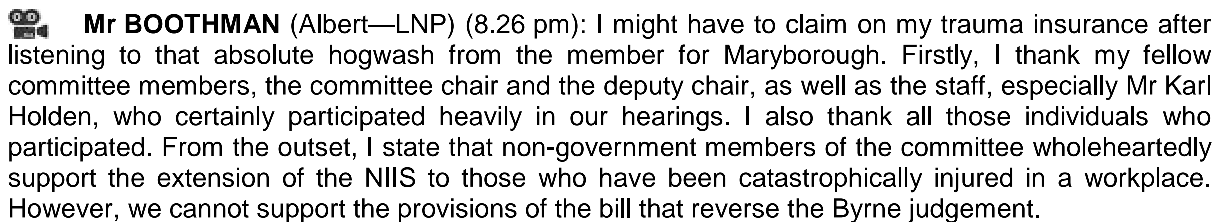
WORKERS' COMPENSATION AND REHABILITATION (NATIONAL INJURY INSURANCE SCHEME) AMENDMENT BILL



Mr BOOTHMAN (Albert—LNP) (8.26 pm): I might have to claim on my trauma insurance after listening to that absolute hogwash from the member for Maryborough. Firstly, I thank my fellow committee members, the committee chair and the deputy chair, as well as the staff, especially Mr Karl Holden, who certainly participated heavily in our hearings. I also thank all those individuals who participated. From the outset, I state that non-government members of the committee wholeheartedly support the extension of the NIIS to those who have been catastrophically injured in a workplace. However, we cannot support the provisions of the bill that reverse the Byrne judgement.

The previous push by government members to adopt the hybrid model of the NIIS continues to haunt the government. I have been a member of the committee examining the NIIS, not from the start but from when it was handed to the education committee. Certainly government members supported the most expensive option, being the hybrid model. Dr Ros Harrington from the Recover Injury Research Centre made reference to the lifetime care and support scheme, which is consistent with the majority of other schemes throughout Australia. It gives those who suffer a critical injury the ability to have lifetime care without the fear of market changes or other issues that may come up, for instance, separation in a marriage or relationship, global market corrections, poorly managed funds or excessive spending. Dr Ros Harrington stated—

From our research into the Australian Administrative Appeals Tribunal cases where people are seeking to access disability support pension because their lump sum compensation for injury has been dissipated, we have found that there is definitely evidence of lump sum dissipation in work injury claims ...

That is very concerning. Dr Harrington goes on to say further—

In our research deduction from a lump sum for legal and medical expenses on settlement constituted over 50 per cent in some cases.

These comments certainly did spike the interest of some government members who questioned Dr Harrington about the Legal Profession Act 2007 specifically exceeding the 50 per cent rule. This further highlights another issue when an individual receives a lump sum. Dr Harrington stated—

We have no way of tracking people. Once they receive a lump sum, they are out of the system. Another member in my focus group said, that, basically four years after injury somebody can be living at home and they are hidden from view. We do not know what is happening with them until they come into health care services in crisis, if their family support has fallen over, or if their funding has failed.

This should certainly set off alarm bells for any injured worker who is thinking about going to a lump sum scheme. The added protection of a lifetime care and support scheme solves that issue. That was certainly a matter that was deeply concerning to the non-government members.

The statement of reservations on behalf of government members talks about how they want to ensure that those who suffer personal injuries receive necessary and reasonable treatment, care and support payments. I must say, for those whose funds have dissipated that is cold comfort.

Another disturbing factor highlighted during the committee's hearings was the lack of consultation undertaken by the government. This was reinforced by the Housing Industry Association, which was listed in the explanatory notes as one of the stakeholder reference groups. At the public hearing on 18 July the HIA executive director confirmed that the stakeholder reference group was not consulted about the Byrne decision. He stated—

There was consultation on the NIIS aspect of the bill, but absolutely none of the Byrne decision.

Furthermore Master Builders Queensland indicated that the first they heard about the proposed changes was at the bill's introduction. This further highlights the government's interest in serving its own purposes when it comes to this issue. This is further reflected by the committee's comments at section 3.2 of the report. It stated—

The committee acknowledges the concerns raised by submitters about the lack of consultation undertaken by the Government on the amendments to reverse the Byrne Judgment, particularly given the potentially significant impacts the amendments may have on principal contractors, host employers, subcontractors and workers.

The amendments with regard to the Byrne decision have deep ramifications. These proposed changes within the bill would effectively take away the protection of these workers. With these amendments, principal contractors may not realise they need to secure private insurance, thus creating a situation of a gap in coverage for injured workers. This is nothing more than cost shifting from WorkCover to private insurance and not about protecting injured workers.

During the committee hearing with WorkCover Queensland the member for Broadwater asked whether there had been any consideration given to allowing principal contractors to come back into the WorkCover scheme. In response WorkCover stated—

… WorkCover has been discussing for a few years now with respective industry associations. The chair of WorkCover wrote to the minister to suggest that that is an option that could or should be looked at. The minister has written back and said they are more than happy for us to have a look at that and please make sure we discuss it with all of the respective stakeholders to ensure that all the options are considered.

In light of this response from WorkCover, it is surprising the minister today endorses recommendation 3. It seems as though the horse has bolted. The legislation has been written and now we going to try to play catch-up. It feels like this is insincere. Recommendation 3 states—

The committee recommends that Queensland Treasury and WorkCover Queensland work with representatives of principal contractors and host employers to resolve issues arising from the exclusion of those entities from the WorkCover scheme and extend it to give principal contractors and host employers the option of participating in the scheme, taking out a private insurance policy or both.

If this really was the intent of the minister then why include the Byrne provisions. Therefore, the opposition members of the committee are of the view that the Byrne provisions should be removed until such time as a process can be implemented to bring the principal contractors back into the WorkCover scheme. Whilst large contractors have public liability insurance, it is the small and medium size contractors who have limited options.

The lifeblood of the Albert electorate is the construction industry. It is a great employer in my electorate. I have an enormous number of tradesmen and tradeswomen in my area. With a limited spend on infrastructure, which is certainly hitting my region, and a record low infrastructure budget in Queensland, I can certainly say that it is a tough time for small and medium operators in my area. Removing their chance to participate in WorkCover seems illogical at best.