




Speech By
Mark Ryan

MEMBER FOR MORAYFIELD

Record of Proceedings, 31 August 2016

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

 **Mr RYAN** (Morayfield—ALP) (4.52 pm): I rise to support the Workers' Compensation and Rehabilitation (National Injury Insurance Scheme) Amendment Bill 2016. I first want to acknowledge the outstanding advocacy by a person who has a connection to the Caboolture region and is also a former Australian Paralympic swimmer, Marayke Jonkers. She has a connection to the Jonkers family who have been in the Caboolture region for many, many years and have always been acknowledged for their outstanding advocacy for the community and also their extreme generosity. I would like to start my contribution to this debate by quoting from some statements that Marayke has made in respect of the National Injury Insurance Scheme and the introduction of that scheme in Queensland. She said—

I was fortunate to receive compensation for the injuries I sustained.

However, I feel for anyone who sustains catastrophic injuries in a road crash who needs to rely on public health care, social services, friends and family for day-to-day care and support.

She also said—

For individuals not covered by CTP, the National Injury Insurance Scheme will help them achieve their personal goals and get back into the community.

I would like to thank Marayke for her contribution to this particular subject matter. I note that she is part of the public face of the National Injury Insurance Scheme in Queensland and that she has done a lot of work not only explaining the scheme but advocating for the introduction of the scheme so I would like to acknowledge her.

The National Injury Insurance Scheme has been a long time coming in Queensland. I would like to acknowledge the numerous benefits that will flow from the introduction of this scheme. In particular I would like to note that this was a recommendation of the Education, Tourism, Innovation and Small Business Committee when it reported on its inquiry into a suitable model for the National Injury Insurance Scheme for motor vehicle accidents. The amendments in this bill, which implement the National Injury Insurance Scheme for workplace accidents, deliver on implementing those recommendations in that committee report by providing for the maximum level of choice, flexibility and independence for seriously injured workers about the care and support they receive.

The Palaszczuk Labor government remains committed to protecting the rights of injured workers to have access to fair and reasonable compensation benefits for their injuries while maintaining the financial solvency of the workers compensation scheme and ensuring average premium rates for employers remain at the lowest level of all Australian jurisdictions. This was most recently evident in the Palaszczuk government's previous amendment of the Workers' Compensation and Rehabilitation Act to restore the unlimited access to common law damages for injured workers which was taken away by those opposite. That was quite unfairly and discriminately imposed by the previous government on

those who suffered injuries. The amendments in this bill demonstrate the government's ongoing commitment to protecting injured workers' rights to claim common law damages by introducing a model for the National Injury Insurance Scheme that preserves a worker's freedom of choice.

The serious personal injuries for which workers will be entitled to lifetime treatment, care and support payments are broad and include serious spinal injuries, traumatic brain injuries, amputations, severe burns and permanent traumatic blindness. The consequences of this range of injuries for a worker's independent functioning and ability to perform daily activities will vary significantly from worker to worker. Even with early intervention and comprehensive and coordinated medical treatment and rehabilitation to maximise their independent functioning, some catastrophically injured workers will require around-the-clock care and support services for the rest of their lives. Other workers will experience a significantly reduced capacity to manage their own affairs and make the necessary financial and personal decisions about how best to ensure they receive the necessary care and support to suit their needs.

However, there will be workers who sustain a serious personal injury—for example, some spinal injuries and amputations—whose recovery can be assisted to the point where they can function independently and autonomously. These workers will be able to exercise personal choice about how they interact with the community again and regain employment, providing they have access to the necessary supports, assistance and modifications to accommodate their individual needs. It is important that there not be a one-size-fits-all approach to delivery and coordination of treatment, care and support services for seriously injured workers, and that due regard is paid to the unique circumstances of each individual who is faced with rebuilding their lives following a catastrophic workplace injury. The amendments in this bill deliver the necessary choice, flexibility and self-determination for seriously injured workers.

The bill retains a seriously injured worker's common law rights to claim treatment, care and support damages if they can establish their employer was at fault by electing to opt out of receiving further no-fault statutory treatment, care and support payments. This election is subject to legislative safeguards which recognise and are designed to minimise the risks and challenges involved in a seriously injured worker making a reasonable and informed decision about seeking damages and being able to manage their lump sums to ensure they can continue to fund their future care and support. I note that during the Education, Tourism, Innovation and Small Business Committee's inquiry into the bill stakeholders expressed their support for the inclusion of these safeguards around a seriously injured worker's common law election.

It is also important to note that seriously injured workers can opt to continue to receive no-fault statutory treatment, care and support payments while pursuing a common law claim for the other heads of damages. By enabling injured workers to be assessed for eligibility to enter the scheme early in their worker's compensation claim, workers who have entitlement for treatment, care and support payments will have the benefit of experiencing having their treatment, care and support needs assessed and coordinated by the National Injury Insurance Agency Queensland. This will assist eligible workers to make an informed choice about their preference for having their future needs funded through the statutory scheme or a common law lump sum.

Seriously injured workers who do not have access to common law damages because their employer was not at fault will be entitled to receive no-fault statutory treatment, care and support payments for their lifetime. The amendments in the bill also provide independence, flexibility and choice for this group of workers because they will be consulted in the assessment of their treatment, care and support needs. Individualised support plans will be developed which will take into account the worker's specific abilities and limitations and their individual goals.

The amendments in the bill also allow, where appropriate, for the insurer and worker to enter into a self-directed funding agreement where the insurer will pay the worker an agreed amount to fund their treatment, care and support needs for a specified period. Eligible workers who have the benefit of such arrangements will be able to choose the treatment, care and support services and providers that they consider best meet their individual needs relating to their serious personal injury and will be able to directly arrange these services.

In the words of Marayke Jonkers, I note that this bill will go a long way to providing the additional support that those people need. I want to repeat it one more time because I think Marayke Jonkers summarises it well. For those individuals not covered by CTP, the National Injury Insurance Scheme will help them achieve their personal goals and get them back into the community.

I acknowledge not only the Minister for Industrial Relations for her work in respect of this bill but also the former relevant minister, the Treasurer, for his efforts in bringing this bill before the parliament. I also acknowledge the efforts of the committee and the committee chair in the work that they have

done to make sure that we have a good bill before the House which will provide those supports to people in need. It is acknowledged and appreciated. I also, of course, acknowledge all those stakeholders who have contributed to the review of this bill as well as the work that has been done leading up to the introduction of this bill and the discussions that took place at a national level. I commend the bill to the House. I hope that all members support it.