




Speech By
Ros Bates

MEMBER FOR MUDGEERABA

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

 **Ms BATES** (Mudgeeraba—LNP) (4.21 pm): I rise to make a contribution to the debate on the Workers' Compensation and Rehabilitation (National Injury Insurance Scheme) Amendment Bill 2016. When I spoke to the National Injury Insurance Scheme (Queensland) Bill shortly after my appointment as the shadow minister in May, I spoke about the importance of this reform which began under the former LNP government. The establishment of an NIIS is an important step forward in ensuring that no matter a person's situation, when they sustain a serious or catastrophic injury in an accident they will be covered.

This bill is the next step in this process and expands the National Injury Insurance Scheme to include workplace accidents. It aims to ensure that workers who suffer serious personal injuries, as a result of workplace accidents in Queensland, receive necessary and reasonable treatment, care and support payments regardless of fault. We know that oftentimes workplaces can be complex places and accidents can happen. It is important that a transition to an NIIS includes terrible injuries that are sustained as a result of workplace accidents. Under these proposals, we will see injured workers, who can establish that their employer was at fault in relation to their injury, able to elect to opt out of treatment, care and support payments and accept an award of treatment, care and support common law damages. In situations where an injured worker chooses not to or is unable to opt out of their existing care, this will be met through the workers compensation scheme.

This forms part of a move towards the implementation of the National Disability Insurance Scheme as recommended by the Productivity Commission in their 2011 report. As members will recall, this is a process that was started under the former LNP government. I am pleased to see that this Labor government remains committed to our agenda when it comes to looking out for Queenslanders who suffer serious injuries.

Whilst the LNP has led the way with the establishment of an NIIS and whilst we will not oppose this bill, we are very concerned about a number of its provisions. Of great concern is that this bill proposes to implement the same flawed model for the NIIS for workplace accidents as was used for motor vehicle accidents under the National Injury Insurance Scheme (Queensland) Act 2016.

As I said when I spoke to the NIIS bill in May, it is concerning that this Labor government has failed to deliver the most cost-effective model available for the delivering of the NIIS. This should have been an occasion for bipartisan support but, unfortunately, we have been left to debate this Labor government's model and the costs that will fall on Queenslanders.

At present the model being proposed by the government for the delivery of a NIIS is a hybrid common law and no-fault care and support arrangement. Whilst we do support this bill in principle we still do not support the hybrid model being proposed by the Labor government and neither do the disability advocates that I seek to lend a voice to as the shadow minister.

It is also a shame that this bill reverses the effect of the judgement in *Byrne v People Resourcing (Qld) Pty Ltd & Anor* by prohibiting the contractual transfer of liability for injury costs from a third party, such as a principal contractor, to employers with a workers compensation insurance policy such as contractors. Again, we have a Labor government, following little or no consultation, implementing a policy which will have far-reaching and potentially worrisome consequences for Queensland workers.

We have no evidence that any relevant stakeholders have had their issues addressed in relation to the Byrne amendment, particularly when it comes to the potential for cost-shifting arrangements to leave some workers partially or fully uncovered by insurance. The objective of this bill is to cover more Queenslanders in the event of an injury in the workplace. With Labor's proposed Byrne amendments it remains to be seen whether some Queenslanders have any insurance cover in the event of a serious injury.

Importantly, the government has still provided no justification for its Byrne amendments. As my opposition colleagues have mentioned and will mention, the Byrne judgement of 2014 validated the practices that were already occurring in the industry. Not only is the government proposing these amendments with no consultation or justification, they are attempting to implement them on a retrospective basis. Whilst we on this side of the House support the principles of the bill and the need for a national injury insurance scheme to cater for workplace injuries, the government's flawed model and amendments contained within this bill need to be addressed.