




Speech By
Hon. Grace Grace

MEMBER FOR BRISBANE CENTRAL

Record of Proceedings, 14 June 2017

WORKERS' COMPENSATION AND REHABILITATION (COAL WORKERS' PNEUMOCONIOSIS) AND OTHER LEGISLATION AMENDMENT BILL

Message from Deputy Governor

 **Hon. G GRACE** (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (5.08 pm): I present a message from the Deputy Governor.

Madam DEPUTY SPEAKER (Ms Linard): The message from the Deputy Governor recommends the Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

WORKERS' COMPENSATION AND REHABILITATION (COAL WORKERS' PNEUMOCONIOSIS) AND OTHER LEGISLATION AMENDMENT BILL 2017

Constitution of Queensland 2001, section 68

I, CATHERINE ENA HOLMES, Deputy Governor, recommend to the Legislative Assembly a Bill intitled—

A Bill for an Act to amend the Electrical Safety Act 2002, the Industrial Relations Act 2016, the Workers' Compensation and Rehabilitation Act 2003, the Workers' Compensation and Rehabilitation Regulation 2014, the Work Health and Safety Act 2011 and the legislation mentioned in schedule 1 for particular purposes

(sgd)

DEPUTY GOVERNOR

Date: 13 June 2017

Tabled paper: Message, dated 13 June 2017, from the Deputy Governor recommending the Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill 2017 [\[974\]](#).

Introduction

Hon. G GRACE (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (5.09 pm): I present a bill for an act to amend the Electrical Safety Act 2002, the Industrial Relations Act 2016, the Workers' Compensation and Rehabilitation Act 2003, the Workers' Compensation and Rehabilitation Regulation 2014, the Work Health and Safety Act 2011 and the legislation mentioned in schedule 1 for particular purposes. I table the bill and the explanatory notes. I nominate the Finance and Administration Committee to consider the bill.

Tabled paper: Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill 2017 [\[975\]](#).

Tabled paper: Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill 2017, explanatory notes [\[976\]](#).

I present a bill for an act to amend the Workers' Compensation and Rehabilitation Act. The Palaszczuk government is today introducing significant changes to improve the workers compensation scheme for workers who have been diagnosed or suspect they may have contracted coal workers' pneumoconiosis, also known as CWP, or black lung, or other types of coalminers' lung dust diseases such as silicosis, asbestosis or other pneumoconiosis.

The Palaszczuk government recognises the unique nature of the spectrum of diseases, collectively referred to as coalmine dust lung diseases, that may impact on coal workers and we are committed to ensuring that Queensland's workers compensation scheme is responsive and provides the best outcomes possible for these workers and any retired workers affected by this disease. Workers in Queensland who are diagnosed with coal workers' pneumoconiosis or a coalmine dust lung disease can claim no-fault statutory compensation and access common law damages which is not limited by a worker's employment status or age.

Through the hearings of the Coal Workers' Pneumoconiosis Select Committee in its inquiry into the re-identification of coal workers' pneumoconiosis in Queensland, concerns were raised about difficulties with former and retired coal workers obtaining diagnosis, lengthy claims determination times and availability of retraining and redeployment opportunities for impacted workers. To address these issues, I established a stakeholder reference group involving representatives of workers, industry, the legal profession and the government, including the Department of Natural Resources and Mines. The reference group was tasked with identifying any gaps in the current workers compensation scheme for workers with coal workers' pneumoconiosis. In particular, the reference group examined ways to support retired workers and workers who have left the industry in obtaining a diagnosis for coal workers' pneumoconiosis, including funding these costs and the adequacy of compensation and rehabilitation and return-to-work programs.

Earlier this year, the reference group reported back to me and I committed to implement its recommendations in full, including introducing medical examinations for former coal workers concerned they may have coal workers' pneumoconiosis and who have retired or left the coalmining industry prior to 1 January 2017, with costs to be passed on to relevant employers through their insurance premiums; ensuring a worker diagnosed with pneumoconiosis, such as simple coal workers' pneumoconiosis, who experiences disease progression can apply to reopen their claim to access further lump sum benefits under the workers compensation scheme; providing extra rehabilitation and return-to-work support to assist workers find meaningful alternative employment; and streamlining workers compensation arrangements so they properly align with the Coal Mine Workers' Health Scheme.

This bill represents an important step in supporting coal workers, both current and retired, by legislatively implementing these recommendations. The bill ensures that coal workers with any concerns about coal workers' pneumoconiosis or a coalmine dust lung disease can access a medical examination through the workers compensation scheme to determine if they have the disease. The bill also provides that workers with pneumoconiosis, including coal workers' pneumoconiosis, can reopen their statutory claim to receive further lump sum compensation if their condition deteriorates.

To support these important reforms, the Palaszczuk government is also introducing additional lump sum compensation for workers diagnosed with a pneumoconiosis, including coal workers' pneumoconiosis, silicosis or asbestosis, from working in a dusty environment. This recognises the nature of pneumoconiosis and ensures the scheme provides appropriate support to workers in meeting their future needs for monitoring, managing and treating their illness. This is in line with the recommendations from the parliamentary select committee. Recommendation 62 states that other types of pneumoconiosis, including silicosis and asbestosis, should be examined through the medical testing process and compensated appropriately through the workers compensation scheme.

It has also come to the attention of this government that a number of self-insured employers have successfully sought to stay decisions of the Workers' Compensation Regulator to accept a worker's claim for compensation in the Queensland Industrial Relations Commission. This has resulted in these workers being denied access to compensation and medical treatment for lengthy periods of time, undermining any chance of early return to work and rehabilitation and placing these workers at a disadvantage from workers whose employers are insured with WorkCover Queensland. The bill clarifies that the Queensland Industrial Relations Commission cannot grant a stay of decision that is subject to appeal under the Workers Compensation and Rehabilitation Act 2003 to protect the rights of workers and place all workers and employers on a level playing field.

I am sure that many members have spoken to families who have either lost someone they love through a traumatic workplace incident or are now caring for someone who has been seriously or permanently impaired by a workplace incident. It does not take much to understand how devastating it would be if someone close to you did not come home from work or was permanently affected by a

serious work injury. The ramifications are hard-hitting for the immediate circle of partners, spouses, children, parents, co-workers and friends. People affected by work related fatalities and serious injuries have a range of complex needs and government agencies must be mindful in how they communicate and engage with those affected by such a tragedy. This bill fulfils an election commitment made to involve injured workers and families of persons who have died as a result of work incidents in a consultative committee. I am pleased to inform the chamber that the bill will establish a consultative committee in legislation which will provide advice on the information and support for those who most need it.

I would like to take this opportunity to thank Michael and Lee Garrels, who have worked tirelessly with the government in this space. I know that some are in the gallery these evening. The Garrels family has experienced unimaginable loss, with the tragic death of their son, Jason, in 2012. I want to thank them for their relentless efforts with the Families Forum. Their son Jason's legacy will live on through this bill, with the electrical safety regulator able to immediately suspend an electrical worker's licence in certain circumstances. I will have more to say on this aspect of the bill shortly.

I take this opportunity to acknowledge the members of the Families Forum, established by the Palaszczuk government on an interim basis—which will now be enshrined in legislation—some of whom are with us in the gallery today. In addition to Michael and Lee Garrels, I would like to extend my sincere thanks to Paul Bailey, Jen Beveridge, Rachel Blee, Kevin and Christine Fuller, Dan and Debbie Kennedy, Bill Martin, and Don and Julie Sager, who have all contributed to this important initiative. Already, the Families Forum has established a private network through social media to provide a forum for people who have been affected by a work related fatality or serious injury to share their experiences. This group has also provided invaluable advice in assisting the government with establishing a grief and trauma counselling service for people affected by work related fatalities and serious injuries and an avenue for free legal advice to families through all stages of the coronial process.

The important work of the Families Forum will now be taken on by the consultative committee to help provide families with the ongoing support they need as they deal with the impacts a serious workplace incident can have on their lives.

The bill also introduces mechanisms to improve the rigour of the electrical licensing framework. The bill ensures that the electrical safety regulator can obtain information about the competency of applicants for an electrical work licence. It will also allow the Electrical Licensing Committee to direct an existing electrical work licence holder to undertake a competency reassessment where there are reasonable grounds to believe the licensee may not be competent.

Lastly, as I touched on earlier, the bill also introduces provisions allowing the electrical safety regulator to immediately suspend an electrical worker's licence in specific and extremely serious circumstances in the interests of protecting the safety of others. These amendments are aimed at protecting workers and the public in general whose safety may be affected by the electrical work carried out by licence holders.

When family members leave for work in the morning they should all return home safe. It is essential that our legislation is structured to protect workers on the job from death or serious injury. I want to use this opportunity to pay tribute to Jason Garrels, a fine young man taken from this world too early. Reforms like this, introduced by the Palaszczuk government today, would have made a fundamental impact to the safety of the worksite where Jason lost his life. In fact, Jason did not even collect his first pay packet. Although we cannot take back what has happened to many families who have lost loved ones at their workplace in the past, we can protect those in the future. I am so proud to be introducing these changes into state parliament today, each aimed at ensuring that we create safe workplaces in Queensland and that families and those affected are protected after a workplace incident.

I also want to thank the Garrels family for allowing us to use Jason's story in a film that takes a confronting, very honest look at the heartache that comes with losing a beloved son and a mate to a preventable workplace incident. Jason's family and friends selflessly shared their experiences to raise awareness about the importance of workplace safety in this important film. *Jason's story* takes a frank look at what it means to lose a loved one and it has stayed with me ever since I launched the film last year. I understand it is available on the website.

For many, these reforms are a long time coming and I want to say thank you—a deep, wholehearted thank you—to everyone who has worked with this government to make our workplaces safe. First and foremost we must prevent workplace incidents from occurring. However, in the event that they do, we need to ensure that those affected are compensated and properly looked after. The Palaszczuk government is here to work with all the families of Queenslanders who are seriously injured or lose their lives in the workplace. We are with them every step of the way and always will be. I am proud to commend the bill to the House.

First Reading

Hon. G GRACE (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (5.23 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Finance and Administration Committee

Madam DEPUTY SPEAKER (Ms Linard): In accordance with standing order 131, the bill is now referred to the Finance and Administration Committee.

Portfolio Committee, Reporting Date

Hon. G GRACE (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (5.23 pm), by leave, without notice: I move—

That under the provisions of standing order 136 the Finance and Administration Committee report to the House on the Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill by 11 August 2017.

Question put—That the motion be agreed to.

Motion agreed to.