Speech By

Hon. Grace Grace

MEMBER FOR BRISBANE CENTRAL

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

Hon. G GRACE (Brisbane Central—ALP) (Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs) (10.00 pm), in reply: I thank all members for their contributions this afternoon and this evening during debate on the Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill. I am proud to be part of the formulation of this bill which improves the workers compensation scheme, strengthens the electrical licensing framework to protect workers and public health and safety, and acknowledges the concerns of people affected by work related fatalities and serious injuries and illnesses. I express to the member for Bundamba my acknowledgement for sharing her story with regard to her father and give my best wishes to him and his family. Queensland has a strong workers compensation scheme that provides no-fault statutory benefits in the form of lump sum compensation, lost time earnings, medical expenses and now full access to common law damages following changes introduced by this government.

However, when coal workers' pneumoconiosis, or black lung, was reidentified in Queensland, the government acted swiftly to address the concerns of workers who had been diagnosed or suspected they may have contracted coal workers' pneumoconiosis or other types of coalmine dust lung diseases. With regard to the contribution by the member for Southern Downs, when this came about as minister I got WorkCover officers in to talk about this. It was quite clear that we needed to look at this and talk to stakeholders to work out exactly what was happening, fill any gaps and identify what needed to be done. We acted very swiftly and I put that in place in December last year. The stakeholders represented a broad group of people. I think they did an excellent job. As soon as we received their recommendations we went about drafting legislation, and tonight we have bipartisan support in relation to that. This bill is all about improving the workers compensation scheme for people in this situation. We cannot undo their past exposure to coaldust—and remember it is exposure to coaldust that causes pneumoconiosis—but we can take steps to ensure that workers, including retired workers, are supported by the workers compensation scheme not only to get a diagnosis but in the ongoing management and monitoring of their disease. That is important—that is, that we continue to have the ongoing support that they require.

As I have previously said, the bill introduces mechanisms to improve the rigour of the electrical licensing framework. It will ensure 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. Finally, it will also allow the regulator to immediately suspend an electrical worker's licence in specific extremely serious circumstances in the interests of protecting the safety of others. We know that electricity is a very dangerous area to work in and this is highly required.

At the Finance and Administration Committee hearing for this bill members of the current interim consultative committee for families affected by work related fatalities and serious injuries spoke of how it felt to receive a call about a workplace accident involving their son, only to find that their son had died at work. Any work related fatality is a tragedy, but losing a child through a workplace accident is something that no parent should have to experience. I again thank the members of the interim committee for their courage in sharing their stories with the wider community, bringing greater awareness to the importance of health and safety at work and letting government agencies know where the system can be improved. I once again acknowledge Kevin and Christine Fuller and Michael Garrels in the gallery. They have been here since this debate started. They are here after 10 o'clock at night to make sure that these measures pass through the parliament. I thank them for their support and their input into this piece of historic legislation which will go a long way to fulfilling their dreams of improving electrical safety in the workplace.

I will now take the opportunity to address some of the issues that have been raised by those opposite during the debate, and the member for Kawana mentioned a couple of things. As raised by the Queensland Law Society, the Electrical Licensing Committee is required to give a person one month's notice before they are required to undergo a competency assessment. As the licence holder can make representations to the licensing committee as part of this process, any concerns regarding availability of training or access to training in geographical locations will be considered as part of making a decision on the time frame. The licensing committee can decide on any time frame that is longer depending on the circumstances at hand. In relation to a person not being aware of the immediate suspension notice being served, like other notices served under the legislation by inspectors these notices are generally served in person. Further, in all cases the licence holder will be known to inspectors and will have provided assistance during the incident investigation and would generally be aware that consideration is being given to issuing an immediate suspension notice. In circumstances as serious as this, face-to-face contact is often the best approach.

The member for Kawana also referred to the Association of Self Insured Employers Queensland's concerns in relation to section 566, which provides that if the QIRC decides an insurer is not liable to make a payment for compensation the worker or, in the case of the death of a worker, the worker's dependents are not required to refund this payment. This provision ensures that injured workers are not denied timely access to weekly benefits and medical treatment pending the outcome of the review and appeal process. Generally these payments are not lump sum payments but the costs associated with the early stages of dealing with an injury. I am advised by my department after the member for Kawana raised the issue that out of 233 appeals last year two stays were granted to self-insured employers and only one of these involved a potential offer for a lump sum payment. This trend provides a basis for an increasing concern that this approach may become common practice for self-insured employers, and obviously we talked about changed unintended behaviours that could come from that.

Section 566 acknowledges that payments of compensation made to a worker during the review and appeals process are made in good faith—that is, at the time the payments are made, the worker has a legitimate entitlement to the compensation. This contrasts with the only circumstances under the act where a worker is required to refund payments under the legislation where there is found to have been fraud and in fraud cases they have to pay it back. Without this provision, workers would be denied much needed income support and medical treatment for a lengthy period of time and in this case it could deny dependents of a deceased worker with much needed support, including the payment of funeral expenses.

The workers compensation system in Queensland is always based upon the fact of early settlement of any outcomes that need to be settled rather than dragging them on. It is a very short-tail scheme with a common law part to it. In being granted a self-insurance licence, a self-insured employer has voluntarily taken on the obligations as well as the risks of an insurer under the act. This includes the risk that it may suffer a loss if an accepted claim is overturned on appeal and recovery is not able to be made from a worker due to section 566. This aligns with the risk accepted by WorkCover Queensland. It is not appropriate for a self-insured employer as an insurer to transfer this risk on to the injured worker and thus gain an unfair advantage over WorkCover. I can, however, assure the member for Kawana that the Office of Industrial Relations—and the officers are here this evening—will maintain a watching brief on the impact of this amendment.

In response to concerns about the appropriateness of removing the right for a stay in an appeal as raised by the Queensland Law Society, it is recognised that it was never the intention under the workers compensation legislation for the QIRC to grant a stay. It is acknowledged that this includes a consideration of both workers and employers. However, in each case where the stay was granted there was a significant impact on injured workers or the dependants of deceased workers. For example, in a recent case a worker lost access to much needed medical treatment, including surgery as well as rehabilitation and return-to-work opportunities.

I thank everyone for their contributions. I believe that these changes will go a long way towards assisting workers suffering coal workers' pneumoconiosis and improving electrical safety in workplaces. In conclusion, I thank the Finance and Administration Committee—I recognise the chair, the member for Sunnybank—and the staff of the committee for their detailed consideration of the bill. In particular I thank those who made submissions and attended the public hearings. I am very pleased that overall the feedback was positive. I encourage all members to support the bill. This is good legislation. This is a piece of legislation that will help workers suffering from coal workers' pneumoconiosis. I commend the bill to the House.