




Speech By  
**Jarrold Bleijie**

**MEMBER FOR KAWANA**

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

 **Mr BLEIJIE** (Kawana—LNP) (5.26 pm): Today I rise to speak on the Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill. I start by thanking the parliamentary committee that looked into the bill for their thorough examination of the bill, capably led on this side of the House by the member for Mermaid Beach, Mr Ray Stevens, as deputy chair.

This is a serious issue. The tragic news of the re-emergence of black lung disease was a devastation to coal-working families past and present right across Queensland. No-one deserves to contract illness due to simply going to work and doing the job they do to put food on the table and help provide for their family. No-one deserves that. The re-emergence of black lung in our coalmining industry should be above politics. It is a fundamental issue about the health and safety of coal workers. We want these workers to be able to go to work and return home safely to their families every day.

We on this side of the House are strongly united in our support for the coal industry in terms of energy security and also in terms of regional development and regional jobs. It is unfortunate that this debate has been delayed because Labor had to be dragged, kicking and screaming, to address some of these issues since the re-emergence of black lung disease. It first came to the House's attention when the LNP moved a motion to set up a royal commission—and currently the parliamentary committee led by the member for Bundamba and the member for Southern Downs are looking at the particular issue and doing a good job. As I said in August last year, the LNP led the way and called for the establishment of a royal commission or commission of inquiry into the re-emergence of coal workers' pneumoconiosis, a call that was rejected at the time. As I said, the parliamentary select committee has been established and is doing a good job.

Earlier this year it was reported that bureaucrats in the department of the Minister for Mines had been obstructing the work of the parliamentary select committee. Following the release of that interim report, which made 68 recommendations, the CFMEU was highly critical of the response by Labor's mines minister, calling it an insensitive and inadequate response. The CFMEU in fact called for the minister to be sacked. They stated—

We had this fantastic, honest and thorough report like a beacon of hope for men who feel like they're on death row, but Minister Lynham's actions undermine rebuilding confidence in the system—it was like a punch in the guts for victims ...

...

He has permanently lost trust with the victims of black lung disease—we believe he is running defence for those in his department. Black lung victims are on death row and have no time for a Minister to ... delay just because his department is nervous about their negligence.

We trust this legislation does what it intends to do and that coal workers who unfortunately contract this disease are looked after in terms of compensation arrangements and that the process is not too onerous. In that regard we will not oppose the bill. We also note the five recommendations of the committee which ought to be supported.

As outlined in the explanatory notes, the objectives of this bill are to amend the Workers' Compensation and Rehabilitation Act 2003 to provide access for coal workers who have any concerns about coal workers' pneumoconiosis or a coalmine dust lung disease to a medical examination through the workers compensation scheme. It allows workers with pneumoconiosis, including coal workers' pneumoconiosis, to reopen their statutory claim to receive further lump sum compensation if their condition deteriorates. The bill introduces additional lump sum compensation for workers diagnosed with pneumoconiosis, including coal workers' pneumoconiosis, silicosis or asbestosis from working in a dusty environment.

The bill amends the Industrial Relations Act 2016 to clarify 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, which I will talk a little more about later. It amends the Work Health and Safety Act 2011 to establish an affected persons committee involving injured workers and families of persons who have died as a result of workplace incidents and will provide advice to the minister on information and support for those who need it most.

On that note, I also welcome to the gallery the families who have been mentioned. When I was the minister for industrial relations and workplace health and safety I remember the Garrels family in relation to coronial issues and the Fuller family. I recall that we launched a workplace health and safety campaign with respect to electrical safety in roof spaces to try to ensure that people did not jump up into their roof cavity. The campaign involved a sticker which was put onto a manhole to warn people to be careful of live wires before they jumped up into their roof cavity.

As the current minister would know, and as I did during our time, we can disagree on many things in this House, but when grieving families suffer because of safety issues and they come to our departments to see us as ministers, then we ought to do what we can for these families' sake. They know that they cannot bring their family members back, but we can try to prevent further incidents and deaths from occurring in the future. That is why we worked with the families who have been mentioned to do what we can. Many families would probably say that things do not happen quickly enough, and we say that in this House as well, but many times the workplace health and safety amendments that we bring into this House are supported by both sides of politics because we do respectfully understand how important it is that people are able to go to work in the knowledge that they will come home safely to their families. No-one deserves to go to work and have that added burden or risk, and if we can eliminate or prevent the risk as much as possible then we should try to do that as much as we can in this House.

On that note, we also say that the bill amends the Electrical Safety Act 2002 to allow the electrical safety regulator to obtain information about the competency of applicants for an electrical work licence; allows the Electrical Licensing Committee to direct an existing electrical work license holder to undertake a competency reassessment where there are reasonable grounds to believe that the licensee may not be competent; and allows 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.

As outlined by the minister and the explanatory notes, the bill will achieve its objectives by amending those particular pieces of legislation to: introduce a medical examination for retired or former coal workers who are concerned that they may have CWP or a coalmine dust lung disease; introduce an additional lump sum compensation entitlement for workers with pneumoconiosis; ensure that a worker with pneumoconiosis who experiences disease progression can reopen their claim and access further benefits under the workers compensation scheme; clarify that the power to grant a stay under the Industrial Relations Act does not apply to an appeal under the Workers' Compensation and Rehabilitation Act 2003; establish a persons affected by work related fatalities and serious incidents consultative committee to provide advice on information and support needs for persons affected by a work related incident resulting in death or serious injury or illness; and allow the electrical safety regulator to immediately suspend a person's electrical work licence if the regulator forms a reasonable belief that the person may be responsible for electrical work that has caused a death or grievous bodily harm or have otherwise carried out electrical safety work that poses an imminent serious risk to the health or safety of any person.

The current minister would remember—as I did when I was the workplace health and safety minister—the workplace health and safety awards that we give out each year to businesses that go above and beyond to provide additional resources to make sure that workplaces are safer. I would assume that the current minister continues with the practice of workplace health and safety awards for businesses that innovate in terms of spending money. Once they do have safer work practices, a lot of businesses find that it is more efficient when their businesses are safer. There might be an initial onset cost to upgrade or upskill their workers or their businesses, but in the long run it saves lives, it saves incidents and it saves workers compensation because it keeps their premiums down. The fewer the

incidents, the lower the premiums. I remember going out to Roma and talking to people about quad bike safety, and I recall the reviews that were undertaken in terms of quad bike safety. I remember that I walked with the NRL legend 'the Axe' when we did the asbestos campaign to raise money.

**An opposition member:** Gillie!

**Mr BLEIJIE:** That is right; Trevor Gillmeister, 'the Axe'. His father passed away from asbestosis, so we walked and walked—well, he walked a lot further than I did, but I joined him for a short portion of that walk and we raised lots of money for people who suffer from asbestosis.

In terms of cost, the explanatory notes state—

There will be minimal costs to Government associated with the amendments to the Workers' Compensation and Rehabilitation Act 2003. The cost of undertaking medical examinations for former coal workers to determine if the worker has CWP is able to be met through the workers' compensation scheme. The cost of these examinations will be included in each employer's premium or borne directly by self-insurers. There will be no cost impact for other employers in the scheme. The cost of the pneumoconiosis lump sum compensation entitlement is also able to be met by the workers' compensation scheme.

There are minimal costs to Government associated with establishing the Persons Affected by Work Related Fatalities and Serious Incidents Consultative Committee. Members of the committee will not be paid remuneration, however, reasonable and necessary expenses for attending committee meetings would be paid. Administrative support for the committee will be met within existing resources of the department.

There are minimal costs to Government associated with amendments to improve the electrical licensing framework which will be met within existing resources of the department.

As I mentioned earlier, the Finance and Administration Committee made five recommendations to improve the operation of the bill. Obviously, recommendation 1 was that the bill be passed. As I said, I thank the member for Mermaid Beach with respect to the support he gave to the legislation because of the seriousness of the issue. Recommendation 2 provides that the minister update the House on the progress to date in establishing and implementing an Australian B reader program. Recommendation 3 asks the minister to provide clarity around the application of the common law 'once and for all' rule. Recommendation 4 provides that the bill be amended to provide clarity on who bears responsibility for medical examination costs for miners who demonstrate six months of exposure to coal dust at more than one worksite in Queensland and ensure that reasonable travel costs incurred to attend medical examinations are not borne by the coal worker.

I noted the minister's interjection to me when we were talking about that. She does have one amendment and, as I indicated to the minister—and I do again—one amendment is very good, because their first piece of legislation had 200 amendments.

**Ms Grace:** Who are you? What happened to Jarrod?

**Mr BLEIJIE:** He'll be back. There were 200 amendments to the racing bill, 32 amendments to the trading hours bill—

**Ms Grace:** That wasn't my bill. Stop it!

**Mr BLEIJIE:** I do take that interjection from the minister. It was not her bill. It was the member for Rockhampton's bill and she had to fix it up, but that is okay. Moving on to this bill—

**An honourable member** interjected.

**Mr BLEIJIE:** The friendship ended. The one amendment will be supported by the opposition as it is a clarifying amendment with respect to reasonable travel costs, and I think that reasonable people would expect that to be paid.

Recommendation 5 again asks the minister to clarify the intent of proposed section 727, including whether it is to exclude workers who have been assessed under section 179 of the WCR Act before the commencement of the act from accessing the lump sum payment or additional lump sum payments.

The committee that reviewed the bill received eight submissions from six stakeholders: Queensland Council of Unions; Maurice Blackburn Lawyers; Queensland Resources Council; Association of Self Insured Employers Queensland, or ASIEQ; JBS Australia; and the Queensland Law Society. The Queensland Law Society noted their concerns with certain provisions of the bill with regard to aspects of changes to the Electrical Safety Act. They stated—

Firstly, proposed 64C(3) provides that the notice given to the holder of an electrical work licence must allow at least one month for this person to undergo an assessment of that person's competency. There does not appear to be a mechanism to allow further time for someone to undertake this assessment. This is concerning as there may be instances where a person's location and/or ability to pay for the assessment will prohibit this timeframe from being met.

I would submit that this could be particularly the case in rural and regional Queensland and would appreciate the minister's comments in relation to that concern in her summation. The Queensland Law Society goes on further to proposed section 121AB(b), stating—

... we are concerned that if there is delay in receipt of the notice, the licence holder may not be aware of the suspension and may face serious consequences for performing work with a suspended licence. We submit that the suspension take effect from when notice is received and we suggest that the regulator should be able to ask for proof of receipt.

I would again ask for and appreciate the minister's response to those concerns highlighted and raised by the Law Society.

The ASIEQ made two submissions to the committee and has also corresponded with members of the parliament. Its concerns relate to parts 3, 4 and 5 of the bill. Dealing with the specific provisions of the bill relating to the Industrial Relations Act, the ASIEQ submits that clauses 14, 15 and 16 be deleted from the bill. It states—

The power of the QIRC to grant a Stay of a review decision of the regulator should not be removed. The preservation of this power is also supported by the Qld Law Society.

As the minister indicated, a decision was handed down and the QIRC can at the moment grant a stay for a review of a decision which would mean that the worker would not get paid an entitlement or if a stay is granted the worker would not get paid an entitlement until such time as the appeal is held or heard and decided upon. The ASIEQ has submitted to the committee that that particular provision be deleted and that the current power of the QIRC to grant the decision remain. As I said, the preservation of that current power is also supported by the Queensland Law Society and has been raised by other stakeholders. ASIEQ states—

The need for a Stay arises because claimants are not required to refund compensation that has been paid and where the QIRC or Industrial Court overturns a review decision and decides the insurer is not liable to pay the compensation.

It could be argued that it undermines the independence of the QIRC and possibly breaks an election commitment of this government in that regard in terms of the independence of the QIRC. However, I note the minister's comments with respect to the decision handed down and the level playing field for WorkCover and ordinary workers compensation for the body that employs most of the workers in Queensland as opposed to the self-insurers. For the benefit of the minister and the House, I table a copy of a letter that I have received—and no doubt the committee received similar correspondence, as did other members of the parliament—dated 21 August 2017 from the president of ASIEQ.

*Tabled paper.* Letter, dated 21 August 2017, from the President of the ASIEQ, Mr David Gomulka, to the member for Kawana, Mr Jarrod Bleijie MP, regarding the Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill 2017 [\[1427\]](#).

That letter highlights various issues with respect to its submission to the committee and it requests that clauses 14, 15 and 16 be deleted from the bill. It states—

The power of the QIRC to grant a Stay of a review decision of the regulator should not be removed. The preservation of this power is also supported by the Qld Law Society.

It notes in its letter that—

The need for a Stay arises because claimants are not required to refund compensation that has been paid and where the QIRC or Industrial Court overturns a review decision and decides the insurer is not liable to pay the compensation.

The minister has responded to that this evening by speaking about the decision that was handed down in the QIRC and a possible loophole that has been created in that before that the law was that the level playing field existed between the self-insurers and WorkCover. However, I would suggest that we ought to take note of this and keep a watching brief on the situation. If the need arises in the future to look at these provisions, then, as I said, we ought to keep a watching brief on those provisions.

With respect to that, the Law Society in its letter to the committee dated 31 July 2017 talked about that particular issue. It states—

Of particular importance to the Society is the very strongly held view that it is appropriate for the Queensland Industrial Relations Commission to determine whether a decision of the Regulator should be wholly or partially stayed pending the outcome of an appeal of the decision. The ability of the Commission to exercise this discretion only after a full hearing of an employer's application for a stay and in accordance with long established and entrenched common law principles is a right that should not be removed. The Commission, at a hearing of any application, is able to consider each application on its merits and its particular circumstances which enables a balanced and considered decision to be made where the potential hardship on the injured worker can be given proper consideration and weight.

It would be noted by many members in this House that from time to time I have had many differences of opinion with the Queensland Law Society. That begs the question: if it is raising this as a particular issue—and I am somewhat in agreement with it—then it should be taken with important note.

**An honourable member:** That's cause for concern.

**Mr BLEIJIE:** It is concerning, but it is a serious issue that the minister should particularly consider given that the Law Society says on the second page of its letter—

... the Society's view that the rights of injured workers are not abrogated by keeping this entitlement but rather, there is an opportunity for the Commission to determine whether it is appropriate for compensation to be paid prior to a final determination of the claim being made.

For these reasons, we submit that clauses 14, 15 and 16 of the Bill should be removed.

The Law Society has in fact agreed with ASIEQ with respect to those particular provisions. I note that the minister spoke about self-insurers, but I ask the minister in her response to address the issues raised by the Law Society a little further and the Law Society's view that the rights of the injured worker are not abrogated but in fact could be enhanced with the deletion of those provisions. I would appreciate some further discussion and clarification. I table for the benefit of the minister the letter from the Law Society dated 31 July 2017.

*Tabled paper:* Letter, dated 31 July 2017, from the President of the Queensland Law Society, Ms Christine Smyth, to the Committee Secretary of the Finance and Administration Committee [\[1428\]](#).

As I said, I look forward to the minister's response, particularly with regard to the concerns that have been raised by ASIEQ and the Law Society, the level of consultation that was undertaken in relation to the matters and the compilation of this bill since it was introduced. As I said at the outset of my contribution, the LNP has been strong and united in its support for the coal industry in terms of energy security and also regional development and regional jobs. We also want to ensure that everyone who works in the industry can go to work and come home safely. All coal workers deserve that fundamental opportunity each and every shift.