




Speech By
Peter Russo

MEMBER FOR SUNNYBANK

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

 **Mr RUSSO** (Sunnybank—ALP) (5.46 pm): Tonight I rise in the House to support the Workers' Compensation and Rehabilitation (Coal Workers' Pneumoconiosis) and Other Legislation Amendment Bill. The Finance and Administration Committee was referred the bill on 14 June 2017 when the Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs introduced the bill into the House. The committee reported to the Legislative Assembly by 11 August after the inquiry process had taken place.

During its examination of the bill the committee invited and received submissions from the following: the Queensland Council of Unions, Maurice Blackburn Lawyers, Queensland Resources Council, Association of Self Insured Employers Queensland, Queensland Law Society and JBS Australia. The committee held public briefings with the Office of Industrial Relations on 10 July and a public hearing on 31 July 2017. The following organisations attended the public hearing: the Queensland Law Society, Queensland Resources Council, Association of Self Insured Employers Queensland, affected families and the Office of Industrial Relations from Queensland Treasury. I want to take this opportunity to thank all submitters, organisations and individuals who contributed to assisting the Finance and Administration Committee in its deliberations in considering this bill. I want to thank everyone who attended the public hearing. In her introductory speech the minister stated—

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 ... CWP ... or other types of coalminers' lung dust diseases ...

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

In its inquiry into the reidentification of CWP in Queensland, the CWP Select Committee raised concerns about difficulties with former and retired coal workers obtaining diagnoses, lengthy claims determination times and the availability of retraining and redeployment opportunities for impacted workers. The minister established a stakeholder reference group to address these issues. The reference group was tasked with identifying any gaps in the current workers compensation scheme for workers with CWP. The minister asked the reference group in particular to examine ways to support retired workers and workers who had left the industry in obtaining a diagnosis of CWP, including funding these costs and the adequacy of compensation, rehabilitation and return-to-work programs.

On receiving the recommendations of the reference group the minister committed to implementing all of the recommendations, including introducing medical examination for former coal workers who were concerned that they may have CWP and had retired or who had left the coal industry

prior to January 2017. The costs of these medical examinations are to be passed to the relevant employers through their insurance premium. This ensures that a worker diagnosed with CWP, such as simple CWP, 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 align properly with the Coal Mine Workers' Health Scheme.

A further part of the bill deals with the issue that a number of self-insured employers have successfully sought to stay a decision of the Workers Compensation Regulator to accept the worker's claim for compensation in the Queensland Industrial Relations Commission. The result of this has been that workers have been denied access to compensation and medical treatment for lengthy periods. The result undermines any chance of the injured worker returning to gainful employment and also denies workers access to medical treatment and rehabilitation for lengthy periods of time. This places those workers at a disadvantage compared with workers whose employers are insured with WorkCover Queensland. The bill now clarifies that the Queensland Industrial Relations Commission cannot grant a stay that is subject to appeal under the Workers' Compensation and Rehabilitation Act 2003 to protect the rights of workers and to place all workers and employers in the same position.

When a family member loses their life due to a workplace accident, the effects on the family unit cannot be measured in any meaningful way. I am sure that we all have the experience of dealing with such a loss, be it a family member or a friend. The tragedy of these losses is the same; however, when that person is taken away in the prime of their life the tragedy is hard to comprehend. The committee heard evidence of the loss of one young life before they even had the opportunity to pick up their first pay cheque.

The bill fulfils an election promise to the families who, tragically, lost a loved one in a workplace incident. The proposed legislation sets up a consultative committee which will provide advice on the information and support for those who need it most at times of such tragedy.

As chair of the Finance and Administration Committee I thank my fellow committee members. I also thank Michael and Lee Garrels, who lost their son Jason in tragic circumstances. Together they put together the families forum, which will be enshrined in legislation once this bill is passed by this House. I also thank Paul Bailey, Jen Beveridge, Rachel Blee, Kevin and Christine Fuller, Dan and Debbie Kennedy, Bill Martin and Don and Julie Sager who all contributed to the much valued families forum. These people contributed their time on a voluntary basis and for this I thank them.

When passed tonight, the legislation will introduce a mechanism to improve the rigour of the electrical licensing framework and will ensure that the electrical safety regulator can obtain information about the competency of applicants for electrical work licences. It will further 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 that the licensee may not be competent. The bill will also introduce legislative provisions allowing the electrical safety regulator to immediately suspend an electrical worker's licence in specific and extremely serious matters. These amendments are aimed at protecting workers and the public in general whose safety may be put at risk. I commend the bill to the House.