




Speech By  
**Jessica Pugh**

**MEMBER FOR MOUNT OMMANEY**

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Record of Proceedings, 17 October 2019

**WORKERS' COMPENSATION AND REHABILITATION AND OTHER  
LEGISLATION AMENDMENT BILL**

 **Ms PUGH** (Mount Ommaney—ALP) (4.54 pm): At home in my house we have a rule: if somebody gets hurt while you are playing, even if it is not your fault, you say sorry. That is a rule which is always abided by—and sometimes it is me saying sorry. My son, Heath, is seven. Frequently, he has ‘accidents’ that result in injury, usually to himself, but occasionally his loving big sister, Allegra, cops it. Last week, they were racing around the yard. He caught her and she slipped. She has just had a growth spurt and is pretty clumsy right now. He reached out his hand, helped her up to her feet and said, ‘I am sorry. Are you okay?’ He did this not because he tripped her but because he knows that it is really important to me that my children show each other compassion and that an apology does just that. As I said, saying sorry is not an admission of wrongdoing in my household; it can be an expression of compassion, of recognition of hurt—both emotional and physical. Sometimes I find that it is me making those apologies. My young daughter is going through a particularly sensitive phase. I often say things that hurt her feelings and I will always apologise, because it is important to me that I maintain that trust with my children. It is fantastic that this bill provides those provisions.

As a former small business manager, I am especially delighted that the changes outlined in this bill provide protections in terms of apologies and expressions of regret from being considered in liability determinations under the Workers’ Compensation and Rehabilitation Act 2003, specifically in the common law claims. As I said, for many of us an apology is a natural human response when another person has been harmed or injured, even if that harm was unintentional and blameless. In very few words, an apology shows respect. It shows empathy for that other person and it can also, as a previous contributor said, lessen that person’s feelings of despair and anger, prevent further misunderstandings and help repair relationships. The positive impact of an apology is supported by a body of literature that suggests apologies play a strong role in resolving disputes and providing a mechanism for achieving justice between parties.

Unfortunately, we know that many employers are hesitant to apologise to an injured worker because they fear that it will be interpreted as an admission of liability, rather than the things that I have previously outlined. This is such a shame because a short statement to that effect could really improve things for the worker. If a worker has been injured in the course of their duties, it could help resolve that dispute and perhaps mitigate the possibility of a worker feeling the need to seek common law damages. Last year, 2,825 common law claims were lodged across the Queensland scheme. The five-year review of the Queensland workers compensation scheme conducted by Professor David Peetz found that the absence of an apology can be a significant driving factor in whether a common law action is pursued against an employer.

It is also important to note that these protections are widely used in other areas of injury law. Of note, the amendments seek to parallel the protections for apologies and expressions of regret contained within the Civil Liability Act 2003. These provisions allow for apologies with respect to personal injury matters and have been uncontentious since their introduction. In summary, these amendments will

provide clarity and comfort for employers seeking to demonstrate compassion and concern for their workers without fear of litigation. I congratulate the minister on this approach to help resolve disputes early. Such an approach will ensure Queensland continues to have Australia's best performing workers compensation scheme, which balances good benefits for injured workers with affordable premiums for employers. Like my accident-prone seven-year-old, I commend the bill to the House.